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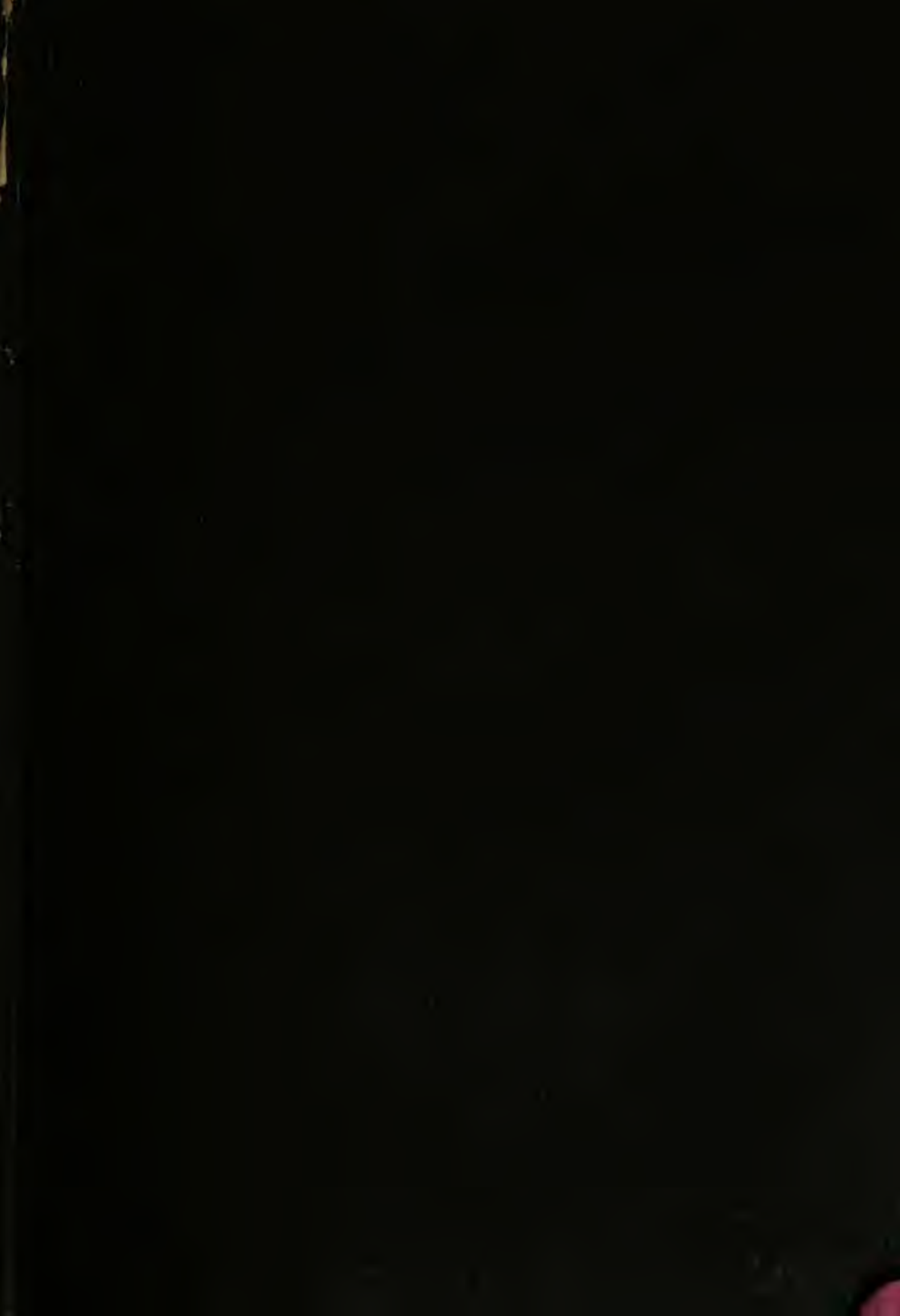
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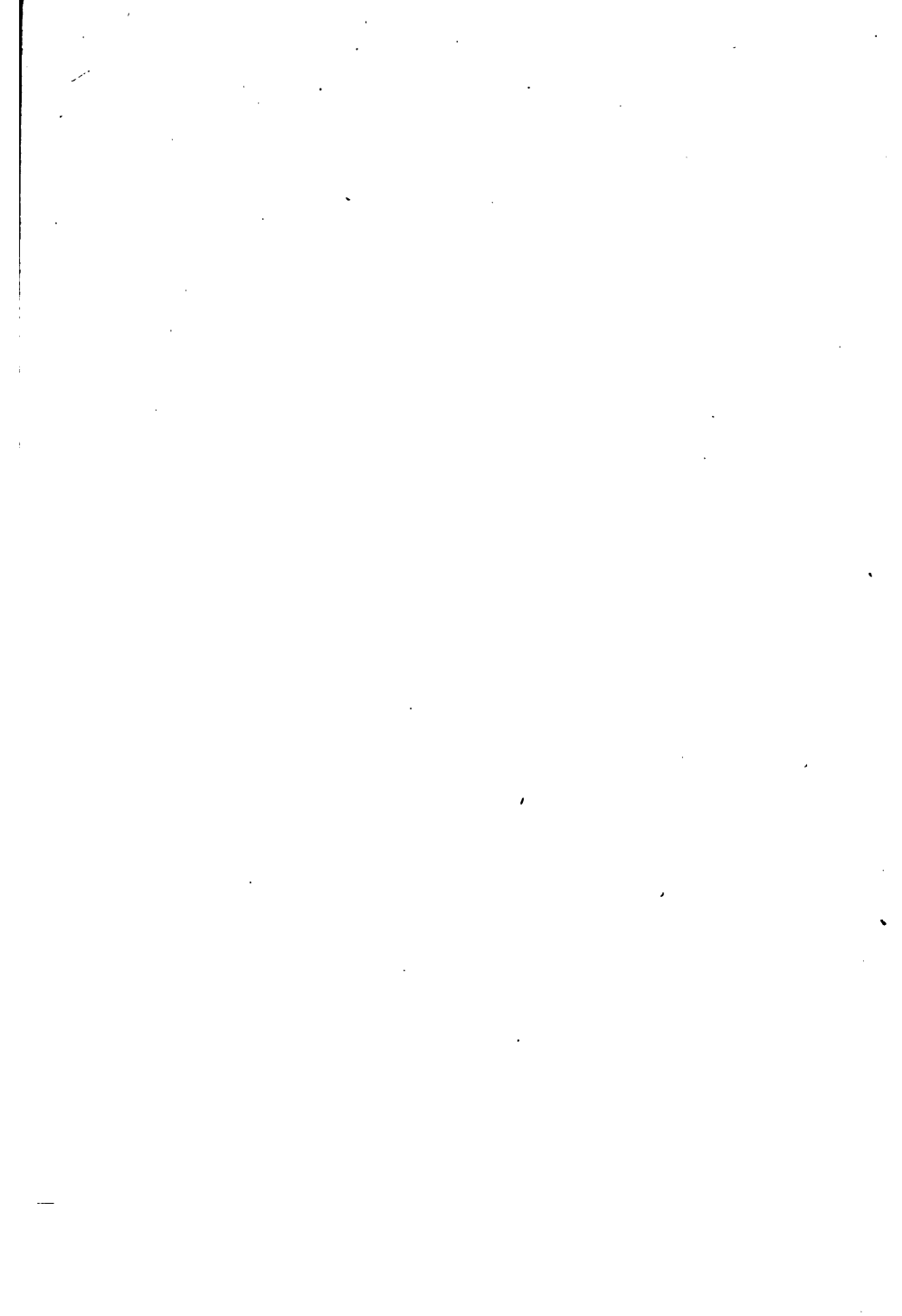
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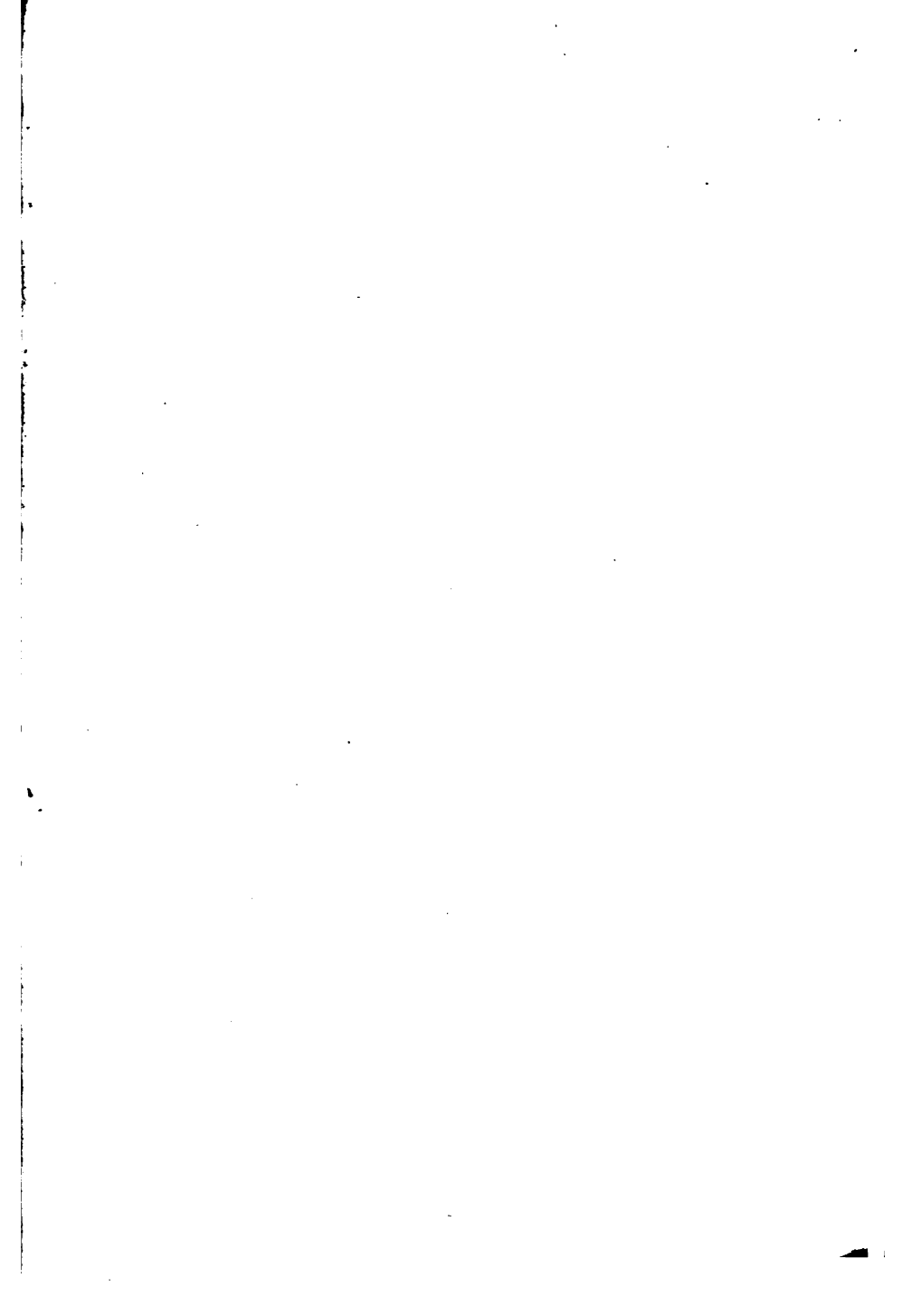
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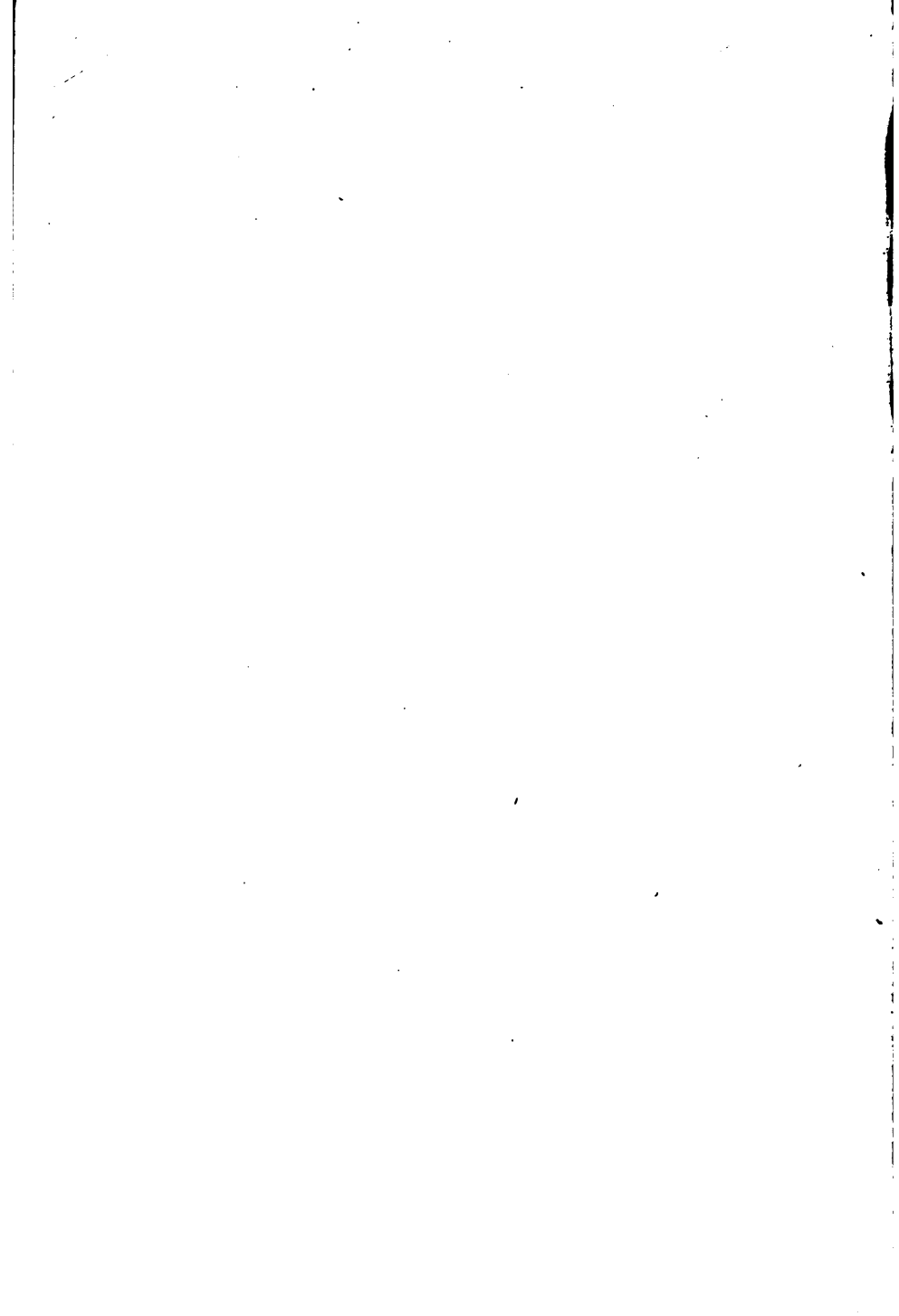


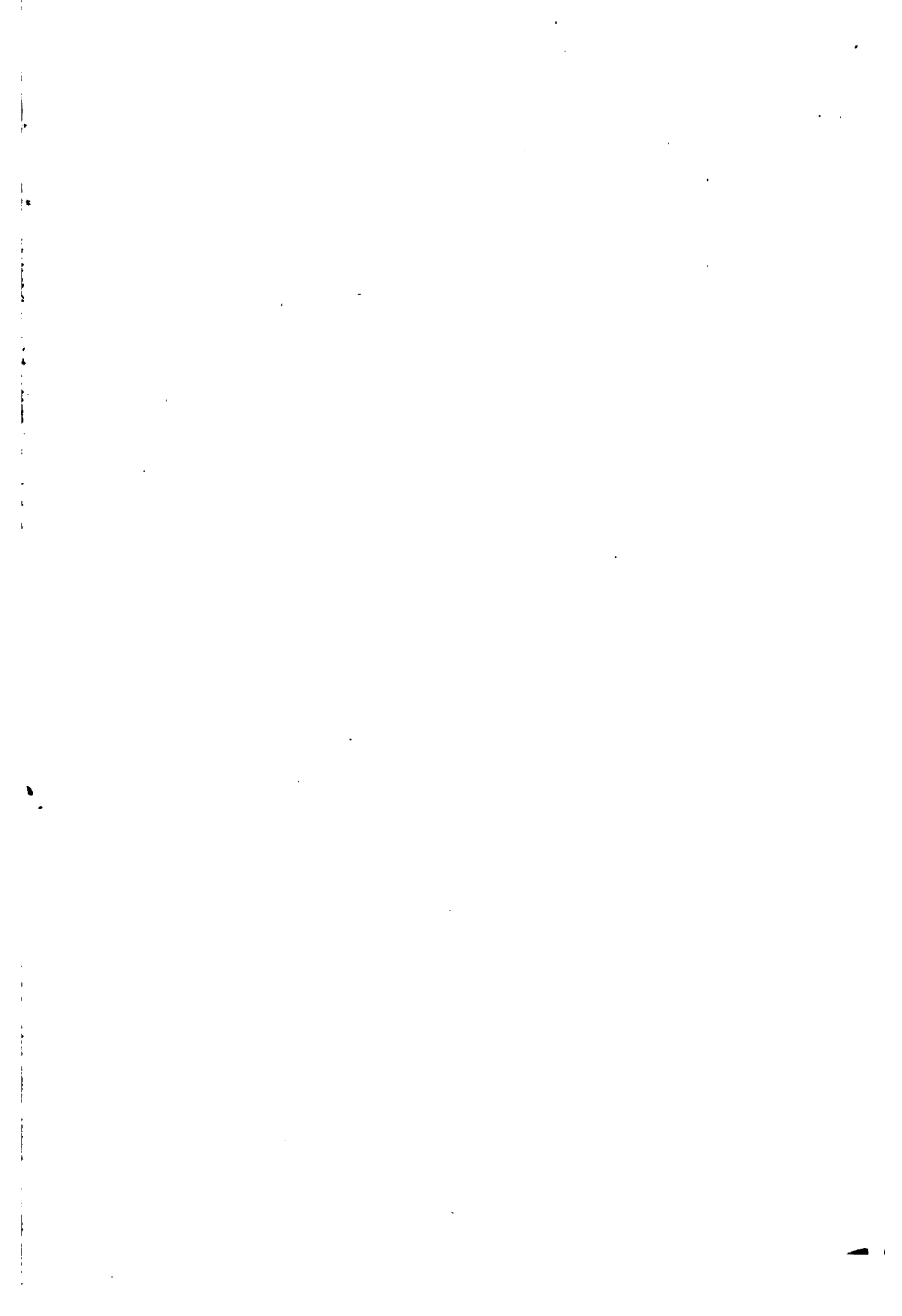
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**SOME NEGLECTED ASPECTS  
OF WAR**



# **SOME NEGLECTED ASPECTS OF WAR**

By

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Author of "The Influence of Sea Power upon History, 1660-1783,"  
"The Interest of America in Sea Power," etc.

Together with

**THE POWER THAT MAKES FOR PEACE**

By **HENRY S. PRITCHETT**

Formerly President of Massachusetts Institute of Technology

And

**THE CAPTURE OF PRIVATE PROPERTY AT SEA**

By **JULIAN S. CORBETT**

Lecturer in History to the Naval War Course

**BOSTON  
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## PREFACE

**T**HE cause of Universal Peace, upon which so much of the world's attention has been fixed this summer by the Hague Conference, can progress surely to success only upon the same conditions by which any other movement for good reaches its goal. It will not be advanced, but retarded, by neglecting diligently and calmly to consider facts, to look them straight in the face; to see things as they are, and not merely as one would wish to see them now, or as it is possible that our descendants may be privileged to see in a future happier age.

Among many perversions of thought and resultant exaggerations of statement, by the unconditional advocates of Arbitration, there is one which underlies all others. This is, that War not merely is an evil, which like other evils we should labor to reduce, and ultimately to abolish; but that, having reference to the existing state of things, it is so essentially unreasonable and wicked

that there can be for it no necessity, nor justification. From this point of view War serves no purpose that cannot,—in the existing state of things,—be otherwise and peacefully accomplished. It is merely killing people, a breach of the sixth commandment, by those who call themselves Christians; or, as one very prominent opponent has said, — and I doubt not many have echoed, — It is impossible to reconcile War with the teachings of Jesus Christ.

This all amounts to saying that it is wicked for society to organize and utilize force for the control of evil. It will scarcely be denied that evil in various forms now exists; not evil of thought or word merely, but evil of act; of overt violence, legal as well as extra-legal; evil aggressive, persistent, insolent, and ultimately subversive, if unchecked, of all social order and personal happiness. Nor will it, I imagine, be denied, granted a careful appreciation of conditions, that such tendencies towards violence arise from time to time throughout huge homogeneous masses of mankind, nations and races; tendencies resting, indeed, not upon ordinary criminal impulse, but upon ambitions or necessities incident to their present position, or present wants. Nor, again, can there be

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serious dispute that successful evil, supported by organized force, sits often in peace upon a throne, from which it can be deposed only by force.

The organizations of mankind called nations have established over themselves agencies known to us as governments; the objects of which are the maintenance of internal order and prosperity, and of the external rights and interests of the peoples they represent. Could the people, having made this disposition of the national functions, become thereafter thoroughly neutral and passive as regards the conduct of their affairs, as do most of the stockholders in a corporation; could considerations of administration and relations with other peoples be abandoned with indifference to the governments; it may be conceivable that the proprietors of the big estates thus constituted might agree among themselves to administer in such wise as to avoid quarrelling. Although the experience of history, under absolute rulers, does not bear out this pleasing supposition, corporations, small organized bodies, doubtless can reach agreement more easily than do unorganized masses. As a matter of fact, however, governments do not possess this freedom of action, which, if held, we may presume

they would utilize with pure regard to the welfare of those under them; as despotisms and directorates notoriously do. Behind every government, even the most absolute, lie the masses of the people, with all the stormy impulses and pressing needs that characterize the individual man, multiplied by numbers, and intensified by the interaction of complaint and mutual excitation, in social intercourse and through the press. While a government can in some degree modify and guide the popular passion and interest thus aroused, its powers in these directions are limited. Like all elemental forces, popular pressure may be influenced, but not withstood. The time comes when Government becomes merely the agency for its exertion. The reins fall from the hands of the ruler. Is it permissible, in such case, for the nation or people threatened to supply that restraint which can no longer be exercised by the native constituted authorities? Is it right to resort to force to withstand force? If so, there is War; or its equivalent.

I do not say that the future may not show happier conditions, for which the present should labor. I speak only of the present. Of this present, an eminent American has been quoted as saying that



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there is now no more reason for two nations to go to war, than for himself and another to settle a difficulty with clubs. Says another, similarly eminent, "War settles only which nation is the stronger." Both of these gentlemen had seen, like myself, War free four million slaves, and establish on this continent a united people; a contribution towards the world's peace and the welfare of North America, in sparing the expenses of large standing armies, and the woes of probable collisions, which not a dozen Hague Conferences will effect. "War settles only which is the stronger!" The War of Secession then settled nothing, except that the North was stronger than the South. War, it appears, settled neither the question of slavery nor that of the Union. In the conditions which had previously existed, — present then as our present is now, — in the hardening opinions and feelings of the South, and the growing resolve of the North to restrict slavery, it was, it seems, quite possible to free the slaves and maintain the Union without war. The War did not settle those questions. The assertion will not hold water with those who can remember those antecedent times, or who now will reflectively study the successive stages of the agitation over

slavery. According to the authority first quoted, it would have been as possible to settle the dispute by some equitable adjustment, as for the two supposed combatants to lay down their clubs. And this in the face of the long history of efforts so to adjust, from the Missouri Compromise of 1820 to the Kansas Nebraska Bill and the Fugitive Slave Law of 1854, — the lifetime of a generation. With all the advantages of a united government, of the impassioned eloquence, ardent patriotism, and love for the Union which inspired Clay and Webster in their efforts to avert the calamity by arbitration, by compromise, the interest and feelings of the masses of men behind them swept away all barriers. The strife of a century reached through four years of war a solution not otherwise possible. Yet the statements quoted are but moderate among their kind at Peace Conferences.

A curious illustration of a tone of mind predominant in the agitation for Universal Arbitration, as now conducted, has come to me since the preceding lines were written. I have received from England the following letter, which, being anonymous, has not the claim to privacy which a signature carries.

“ SIR : —

“ I have just read your article in July ‘ National Review ’ on the subject of the ‘ Hague Conference ’ and deeply regret to find that you have used the great talent God gave you for the welfare of mankind to uphold and encourage instead War which is literally Hell upon earth, and the curse of mankind, at this exceedingly critical period when your opinion might have proved a feather weight in the scale in favour of International Arbitration. May God forgive you, and lead you to an altered and better mind.

“ A LOVER OF MY FELLOW CREATURES.”

To ask thus solemnly that God may forgive a man is to pronounce his guilt before God. Why? Because of the antecedent assumption, that all War is so certainly and entirely wicked, that a man cannot without sin present before the audience of his kind such considerations as those contained in the article, herein re-published, “ The Practical Aspect of War.” That the author thereof may be conscientiously assured of the rightness of his contention counts for nothing; no opposite side of the case is admitted, as to War. The judge, in virtue of his

personal convictions, takes the seat of the Almighty, and unhesitatingly declares the wickedness of his fellow. Judgment is passed by one neither commissioned nor competent to it; a procedure as unchristian in spirit, and in manifestation, as War can be. And less useful; for, like the fanaticism of the extreme total abstainers, it tends to divide those who should work in mutual toleration for a common object.

I must forbear extended discussion here, lest I transfer the body of my text to the Preface. There is, however, one fallacy in the line of thought underlying the Arbitration Movement, as too often engineered, which must be clearly recognized; for fallacies are in their working as insidious as bacteria are in theirs. It is quietly assumed, apparently without a suspicion of mistake, that in our highly organized society, — the society of European civilization, — the individual man has surrendered himself, soul and body, to the law; and that, by analogy, states can do the same, all that is needed being to ascertain a means. The individual man has indeed surrendered much; but there are large reservations, without which law itself would be a hideous tyranny. The individual has surrendered certain natural rights

for varied motives; motives of evident interest; motives in many of mere submission to force, as with the criminal class; motives in others of conscience, of subjection of personal advantage to the general weal. But alongside of this, always latent, often expressed, runs the reservation of conscience. To no law of man shall men concede authority to make them do what conscience says is wrong. The history of the ages witnesses to the truth and power of this reservation. My own time has seen it. Men are yet living who said, "You may pass your Fugitive Slave Law; we will not obey." Seward's expression, "the higher law," embodied this resolution; and that higher law is not enacted in human courts. It will not respect human decisions, and to the last day it will use force, passive or active, when in its power so to maintain the right, as conscience gives it to see it.

But some may urge that the story of the War of Secession is by now but an echo

"Of old, unhappy, far-off things,  
And battles long ago."

They have no application to our better present. Better! Is it better that men, in order to spare

their purses and their comfort, should arbitrate a question of conscience, rather than stand up for principle, and give their lives as did the men of 1861, North and South, to maintain what they believed to be fundamental right? If, indeed, it be true that our present is thus essentially different, the raw material of human nature has changed more in these forty years than in twenty centuries precedent. External conditions of offence, amenable to settlement only by force, have not changed. Let those who think that they have recall that within fifteen years Japan has twice found it essential to go to war on account of interests in Korea; interests by her esteemed so vital to her people and their future that she could not with honor submit the decision of them to any judgment but her own. Let them study in contemporary journals, and periodicals, or in more formal treatises, if such there be, the transactions of the years immediately preceding the recent war between Japan and Russia, the contentions and actions of either party. There is no law existent applicable to such cases. And while the Hague Conference itself is sitting, Japan has felt compelled for the third time to an intervention, which is not War only because there is no power to resist. Forcible intervention is in es-

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sence War. The persuasion that War, as an inevitable factor in history, is a thing of the past, is a public prepossession which will disappear as men study questions of international relations in their world-wide bearing; which very few do. There are at this moment pending before the world, unnoted by most, momentous differences which cannot be settled by arbitration, because they involve the oppositions of nations and races, and cannot be brought under the head of any of those accepted conventions that we call law. Such are collisions of elemental forces, amid which preparation for War will play a mighty part, may insure peace, and may determine the decisive solution.

The phrase "honor and vital interests" embodies the conscience of states. Honor, or its cognate, honesty, speaks for itself; neither man nor nation should consent to that which is before God a shame, to do, or to allow. "Vital" interests are those of the community, and of posterity. They therefore are interests "in trust;" it belongs neither to the government nor to the people of one generation to abandon the decision of them to an outside tribunal, — to commit to any legal body that which law in itself is not competent to decide.

We speak of law with bated breath, as though it were some self-existent Being; a reverence probably due to the superabundance of lawyers in representative governments. Law in truth is the creation of the state, of the people. It is a functionary, with methods and powers by them prescribed, as to any other official; and it depends for its efficiency upon the physical force behind it, of the state, — of the organized people. When it is unable to act, as was the law of the United States for four years in the seceding states, — as pointed out by General Sherman, quoted in the following articles, — the physical force of the people, always its latent support, must be called into active exertion; and when it fails in particular localities, through the timidity or weakness of individual citizens, — as apparently in New Orleans some twenty years ago, and in other known instances, — it is permissible for the community, from whom law derives, to resume into its own hands the duties of its delinquent servant. The mandates of law are simply the register of past decisions reached by the people upon precedent conditions; and when unprecedented conditions arise, law, unless *ex post facto*, is paralyzed, for want of mandate. A new decision must be taken;



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a new instruction issued. A large proportion of the questions embraced under honor and vital interests to-day are precisely in that inchoate condition, of non-decision and possibly even of dispute, which cannot be brought under the head of law. The question of Slavery was such. Innumerable efforts were made to bring it into harness by law, and to law. They failed, because they were dealing with men's consciences, their honor and vital interests; and so will fail attempts thus to adjust other subjects of difference mentioned in the following text. These represent a play of forces, moral as well as material; and woe will be to those who dismiss from their account the organized force we call War.

There is a third consideration, a further element affecting War as a probable incident of international relations, in the very changed character of most governments within the last century. "The people" have always greatly influenced external political movement, because popular feelings must weigh with rulers; and also, doubtless, because governors, being usually of the same flesh and blood as the governed, share the national desires and modes of thought. Nevertheless, the

order of rulers, few in numbers, once ruled in a weightier sense than they now do; and by long practice mastered and developed their business to some useful extent from generation to generation. The influence of the people has now become far more direct and consequently powerful. The people, rather than their representatives, have become the rulers; but as yet they have not been so long enough to learn their business. The impulses of mankind remain; the directive force, of those who can and will spare time to comprehend the conditions which affect international relations has diminished. The rightfulness of a national contention, the expediency of going to war, the necessity of a state of preparation, will henceforth be determined with continuously increasing influence by the people themselves. Until this inevitable change has proceeded long enough to produce a maturity of education in the people at large, they may save on the war budget; but they will not be equipped to control impulse by considerations of instructed reason. Responsibility, also, when distributed among the many instead of concentrated in the few, ceases to restrain. During this transition period the danger of war will not be less, but greater. Is it wrong to provide against such

a contingency? or shall we meet it effectually by grounding our arms?

Believing as I do in the weight of the considerations here summarized, and convinced that the cause of Peace itself is jeopardized by the exaggerations and oversights of its noisier followers, I have thought expedient to collect under one cover a few articles, in which the rationale and justification of War and of its procedure have been considered under different aspects. Of these, one, the Moral Aspect of War, has already been republished in my book, "Lessons of the War with Spain." I have thought permissible to bring it forward here again, into immediate connection with the others, as necessary to any complete treatment of the subject, however elementary; and because the collection thus made, being homogeneous in object, will be available as a ground-work for future discussion — for expansion — should the agitation against War develop contrary to, or beyond, fact and reason.

In conclusion, I have to express my great obligation to Mr. Henry S. Pritchett, formerly President of the Massachusetts Institute of Technology, and to Mr. Julian S. Corbett, so well and favorably known for the series of works on naval subjects proceeding from his pen, beginning with

"Drake and the Tudor Navy," for their kindness in acceding to my request to republish herein the articles which will be found attributed to them. I further owe it to them to say, explicitly, that, beyond this kind permission and the articles themselves, they have no responsibility for any expression of fact or opinion that may be found between the two covers of this book.

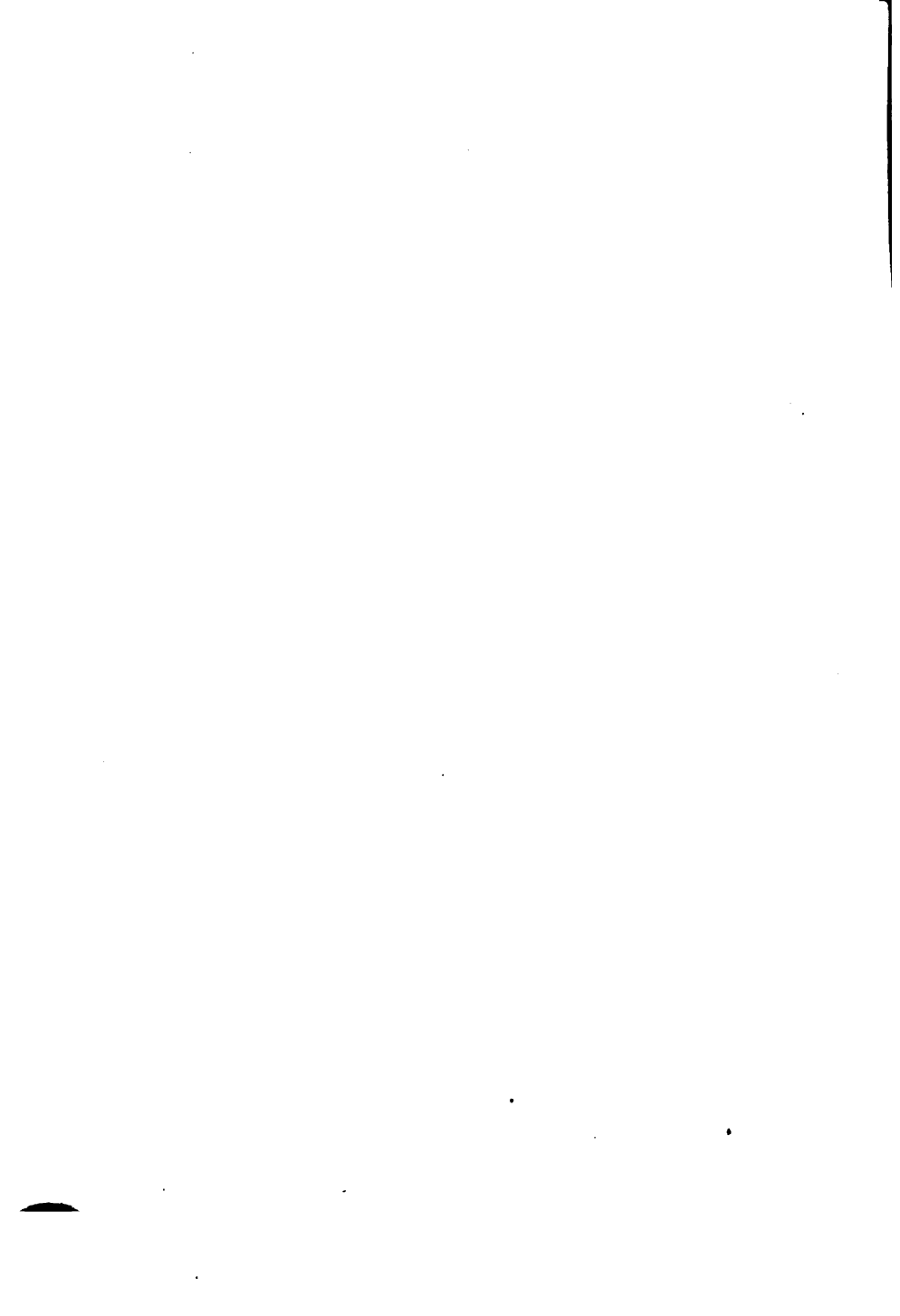
My thanks are also due to the several Magazines, in which these papers first appeared, for permission to reproduce them in this form. The particular acknowledgments will be found under the title of each article.

A. T. MAHAN.

*September, 1907.*

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# **I**

**THE POWER THAT MAKES FOR PEACE**





# SOME NEGLECTED ASPECTS OF WAR

## THE POWER THAT MAKES FOR PEACE

BY HENRY S. PRITCHETT

*The Atlantic Monthly, July, 1907*

**F**EW movements of the last half century have commended themselves more to thoughtful men than the present organized effort for the establishment of the principle of international arbitration, and through this the securing of a world peace.

The last decade in the history of the peace movement is its best. The establishment of the Hague Tribunal, the gift of Mr. Carnegie for a fitting building for its meetings, and, above all, the focusing of international attention upon the feasibility of and necessity for international arbitration, have marked real progress in the practical solution

of the problem of world peace. Every friend of humanity must feel encouraged at these steps, and must have had his faith quickened for the work of the future. That that work shall be a real one; that it shall lead not merely to international gatherings, but to international agreements; that it may make war not only less horrible, but less frequent; that it may bring about a common understanding under which questions of dispute may be adjudicated by reason, not by force; that it may create a public opinion that shall prove a powerful factor in restraining nations from war; all these things we may reasonably hope for. The movement will hasten them in just such measure as it is led wisely, sanely, effectively.

Any such movement, which has to do with the larger relations of mankind and which touches fundamental human tendencies and qualities, is likely to pass through a period of progress followed by a period of depression. It is likely to receive strength from unexpected sources and to be weakened by unexpected defections. It is sure to suffer from the lack of knowledge on the part of those who oppose it; and it is equally sure to suffer from the zeal of its own friends, who expect more of an organized movement than any organi-

zation can accomplish. The history of the present-day peace movement is in some respects the analogue of the history of the anti-slavery agitation of a century ago. The movement against slavery appealed, as does the movement against militarism, to the higher moral instincts and inspirations of men. The men of the nineteenth century saw clearly the vast evils of slavery, as the men of the twentieth see clearly the evils of war and of militarism. In proportion as one appreciates such burdens to the social order, one is tempted to be influenced by his emotions and to find himself stirred with indignation at a condition of affairs which he seeks at once to remedy. It is at such times that one is led to overestimate the power of an organization and to assume that it can take the place of the deeper underlying human education which alone can deal with such conditions. It is at such times that men are prone to become the partisans rather than the advocates of a cause, and to lose their perspective of social forces and of human nature. The advocate of peace is likely to be a real force in the progress of the movement for world peace; the partisan of peace has an attitude of mind likely to injure rather than to help the cause he supports. The man who is

so eager for world peace that he is ready to fight for it has forgotten for the moment the long history of our race and its rise from savagery to civilization.

As one profoundly interested in this movement, I venture to call attention to certain fundamental human qualities which must inevitably be reckoned with in any such movement, and to point out at the same time certain directions in which our neglect of these considerations may lead us to hinder rather than to further our cause.

When we look back over the history of our race, so far as we know it, it seems clear that man is fundamentally a fighting animal. The fact that he is a fighting animal is perhaps the most important element in his evolution, and has had as much to do as any other quality with the slow process of improvement which has made the world of to-day out of the world of fifty thousand years ago. The whole process of civilization has been a development out of a life of continuous fighting and toward a life of comparative peace.

Just what this power is which has brought men out of a life of warfare into a life of comparative peace is a question about which men differ. Some will answer vaguely that the power is a combi-

nation of forces which have evolved the human race; some call it religion; and many have believed during the last two thousand years that it is Christianity. But however our notions may differ as to what the power may be, there is no difference as to the process. We know that the process by which men have passed from a life of warfare to a life of peace is nothing other than the slow and sure process of the education of the minds and of the consciences of men, and we know further that this slow and sure process is the only one that will ever bring a true world peace. There are no short cuts by which men may be made good, or by which men may be made peaceful, though good men have sought in all ages to find such. If the world could have been saved by an organization, it would have been saved a thousand years ago by the Christian church; if it could have been saved by legislative enactment, it would have been saved centuries ago by the parliaments of the nations; if it could have been saved by administrative process, it would have been saved by the rulers who have governed it for two thousand years. There is no such royal road to peace. The world, if it is ever to know universal peace, will find it only

through that same slow process by which we have attained our present civilization; and however important peace congresses and international agreements and international tribunals may be, let us not lose our perspective of their true place in this process. They are not the agencies which are to do the real work, but are only the methods by which public opinion is to be influenced and quickened.

Nor can one afford to forget, when he seeks to serve the cause of world peace, the elemental influences to which our human nature responds and the fundamental virtues to which they give rise. To bring about peace we cannot make human nature over; we can hope only to discipline and to refine it. That fighting spirit of our race, the spirit that is in every man, the spirit that has been ingrained in us by hundreds of thousands of years of our race life, and that has played so great a part in our evolution from barbarism to civilization, is not wholly bad. It grew on the one side out of aggressiveness, selfishness, suspicion; but on the other side its roots went deep into the nobler qualities of: bravery, courage, loyalty, patriotism. The whole process of civilization has been an effort not to eradicate this spirit, but to discipline

and refine it; to retain the old-time virtues while getting rid of the old-time vices. The man of the highest civilization to-day is no less a fighter than his savage ancestor of ten thousand years ago but he holds the spirit of the fighter under the discipline of self-control and of the law. We could not, if we would, banish from our social and political life the things which appeal to this fighting spirit, because they pervade our whole civilization, our literature, our language, our religion. When a band of scholars rises to its feet and breaks into that martial song, "Onward, Christian Soldiers," it is the appeal to this old-time inbred human spirit which stirs them, as well as the motive of Christian duty and of Christian service.

For this reason it seems to me unwise in the advocate of world peace to seek to banish such patriotic sentiments and influences. Such a criticism as has been made of the Jamestown Exposition, on account of the naval display which is to be had in connection with it, seems to me, on the whole, to hinder, not to further the cause of universal peace. To make such a criticism and to urge the banishment from our everyday life of all those things which appeal to the fighting spirit of man is to forget the long story of human devel-

opment. It is to confuse symptoms with causes. For it is not soldiers and cannon and ships which make national quarrels, but the injustice, the greed, the selfishness, the ambitions, and above all the ignorance of man, which sets armies and navies to their dreadful work. If we could tomorrow destroy every war vessel and dissolve every army, it would not insure universal peace, any more than the destruction of all the liquor in the world would bring about universal temperance. We serve best the cause of peace when we recognize frankly the process out of which we have come, when we deal clear-eyed with the universal human spirit and the elemental human tendencies, and when we lend ourselves to that process which the power that makes for righteousness has given us, the process of the education of the great mass of mankind. It is when we take a step in that slow evolution of education that we take a real step toward a true world of peace. A nation helps the cause of peace when it takes official part in a world's congress for this cause, but it works immeasurably more efficiently when it deals justly and fairly with its own citizens and with other nations. A university does well to send its representatives to a peace congress, but



it does a real work for peace when it sends into the world men who deal rightly with their fellow-men. A corporation helps the cause of peace best when it deals fairly, not only with its own interests but with the interests of its employees. A labor union aids the cause of peace most effectively when it develops a policy of unselfishness and fairness instead of a policy of selfishness and greed. A soldier stands for peace when he uses the military power justly, fairly, mercifully. We bring a world peace nearer when we so educate the individual man as to bring about a common understanding between men and between nations. The first step to individual agreement is individual confidence; the first step to international peace is international confidence and respect for the common motives of nations. And the first step in common confidence and respect is common knowledge and acquaintance. Ignorance of the motives, of the ideals, of the purposes of those with whom we have to do is the author, not only of armies and navies, but of wars and battles.

The old-time savage life was a life of isolation. Each man held a suspicion and dread of his neighbor which was in proportion to his ignorance of his neighbor's purposes and ideals. The first

steps of civilization were those which led to association and acquaintance; and these must be the first steps in an international peace which is to be lasting. Intellectual and social isolation has bred more wars than hatred and revenge.

Among the many causes of our Civil War, one which is seldom thought of was the intellectual and political isolation of the Southern States. The Southern leaders sincerely believed in 1860 that they could organize a nation which could go on perpetuating slavery in disregard of the public opinion of the rest of the world. Had these leaders been men in touch with the world's thoughts and the world's ideals they would have known that slavery was already dead, that no civilized nation could long maintain it, that the world was already ripe for its abandonment; and they themselves realized before the war was half over that, even if the Southern Confederacy were established, slavery was gone. A nation pays a fearful price for intellectual and moral isolation, a price paid down in centuries of suffering and in the blood of unnumbered battlefields.

However deeply we may regret war, however sincerely we may desire peace, there are probably few men who do not sincerely believe that for

years to come our nation, in common with other nations, must maintain an army and navy, whatever limitations may be placed on their development.

So long as an army and a navy are to be maintained, it is important that the men who make up the military service shall be drawn from citizens of the highest character. If we are to place in the hands of men military power, it is above all essential that they shall be men of high intelligence and of high ideals.

There has grown up in Europe, and in America in recent years, amongst those active in the cause of international peace, a disposition to discredit and to belittle the military service; a tendency to discourage by all means young men of high character from entering the service of the army and of the navy.

In the light of our history and of our development this effort also seems to me against the interest of the peace movement, not in favor of it. No citizen or group of citizens can belittle the service of one's country in any direction without striking a blow at the same time at the deeper human qualities of loyalty and patriotism which lie back of all service and of all devotion.

No man who will look carefully into the work of the army or the navy can fail to realize that a career in either branch of our military service is one to which any man may give himself with the fullest devotion and with the highest ideals. Americans, as a rule, know little about the actual work of either of these services, and few realize that when a man enters the service of the army or the navy, whether as officer or as enlisted man, he enters a great school, a school in which is taught not only the discipline of self-restraint, of cleanliness, of devotion to duty, but also the elements of an education. An enlisted man who enters a regiment of the army, barely able to read and write, comes out, if he be a man of ambition and industry, at the end of three years, in possession of the fundamentals of an English education. His officer stands to him not only in the relation of military director, but in the relation also of a teacher and of a friend. There is no career open to an American boy, unless it be that of a teacher, which offers a larger opportunity to minister to the service of men than that of the army or navy officer.

There are, to be sure, in both services men who do not take their profession seriously; there are

men who are lazy and who are indifferent; but the great body of officers are earnest, hard-working, patriotic men. There is no life to which an American boy can give himself better worth his metal than that which he can find in either of these services. To belittle this life, to minimize its value, to seek to place it under social condemnation, is to strike a blow, not for peace but against that inbred spirit which stands for courage and loyalty and patriotism. For one cannot destroy the old-time fighting spirit of the race without weakening at the same time these elemental human virtues.

Of the truth of this statement the world has had an object lesson so striking that he who runs may read. For more than twenty-five centuries the Chinese have developed under a philosophy which led them to discredit in every way the soldier's life and to exalt in comparison with it the life of commerce and of peace. In this matter the philosophy of Confucius has been accepted by that nation with a completeness and sincerity seldom shown in the history of any religious or philosophical evolution. The Chinese have become essentially a peaceful people. No nation needs to fear their aggressions. Amongst them the pro-

fession of the soldier has come to be considered the lowest of all callings.

The result of centuries of education in this philosophy is that China is at the mercy of all the so-called Christian nations; but, what is more serious, the process of eradicating the old fighting spirit has not only banished the worse qualities of that spirit, but it has also rooted out the old-time human virtues of loyalty and patriotism. There are those who have read in the teachings of Jesus Christ a similar lesson. "Blessed are the peace-makers" has been taken to mean "blessed are the peaceful." As a matter of fact, one can scarcely find a greater contrast than is shown in this respect between the philosophy of Jesus Christ and the philosophy of Confucius. Christ lived at a time when the burdens and horrors of war were felt in every hamlet and in every home. The military power held the social order at its mercy. Yet He never sought to array society against the soldier or the soldier's calling. On the other hand, looking beneath the surface of things, He dealt with the causes which made men and nations selfish and cruel and warlike, and to the soldier He said, "Live your life as a soldier honestly, justly, mercifully," knowing full

well that he who lived the soldier's life in this spirit served the cause of peace as truly as he who advocated peace upon the housetops.

It is in view, too, of this age-long racial history that I cannot make myself believe that the artificial remedies which have been advocated as an antidote for war have serious significance. The idea that war can be made so dangerous that men will not engage in it, or that peace can be arbitrarily brought in by force, fails alike to take account of our racial history and of the underlying influences which move men. Such remedies have the same significance in the social order that the Keeley cure for drunkenness has in medicine.

The nation which should act on such a theory might well expect to share the experience of a doughty Confederate colonel who, after the Civil War, returned with his war-worn and defeated veterans to his native village and was twitted on the fact that four years earlier he had boasted that he and his men could lick the Yankees with popguns. "So we could," answered the colonel stoutly, "but the Yankees wouldn't fight that way."

The truth is, there are no such short cuts to peace. Dreadful as war is, there are some things

even worse. Under certain circumstances a nation will fight if it have left in it a spark of the elemental human virtue. And the remedy for such conditions lies far back of any influences which force or arbitrary restrictions can create.

And so I venture, in this day of enthusiasm for organization, to recall the fact that the cause of universal peace which we advocate is really no new thing, that it is nothing other than the cause of universal education; not necessarily the education of the school, but the education which makes man understand man, which makes state understand state, and which brings nations into relations of confidence and trust with other nations. Let us by all means further by these formal gatherings the cause of international organization, but let us not lose our perspective with respect to the organization, and the results which it may accomplish. And let us by all means not forget that the process which is in the end to bring about the result is, after all, the same slow process which has brought us up from savagery to the civilization of our day. That process we may hasten, but it cannot be done by disregarding our age-long racial history or our inbred human nature.



The beginning of the peace movement lies in the promotion of common confidence and better understanding, not in the effort to belittle and to ostracize any class of citizens. The largest result which it may hope to gain is by focusing public attention, by creating a better understanding, by replacing ignorance with knowledge, by creating an international conscience. The real work will always remain the work of educating the consciences and the minds of the great mass of mankind.

It is through this slow process that we may venture to hope that the time will come when international differences shall be in the keeping of international tribunals; and it is by the furthering of this sure process that the peace advocates of to-day may hope to bring about a movement which shall have as its consummation the deliverance of the world from the burden and horror of war. The cause of organized peace is worthy of our race and of its highest representatives. Let us hope that they may go forward in this effort, not only with true enthusiasm, but also with true judgment; that they may preserve a fair perspective, realizing that the causes of war lie far back of armies and navies, in the fundamen-

tal qualities of human nature; and that such organized effort will have force and value in proportion as those who direct it preserve a true vision and a serene judgment.

## II

# THE PEACE CONFERENCE AND THE MORAL ASPECT OF WAR

originated in an avowed desire to obtain relief from immediate economical burdens, by the adoption of some agreement to restrict the preparations for war, and the consequent expense involved in national armaments; but before its meeting the hope of disarmament had fallen into the background, the vacant place being taken by the project of abating the remoter evils of recurrent warfare, by giving a further impulse, and a more clearly defined application, to the principle of Arbitration, which thenceforth assumed pre-eminence in the councils of the Conference. This may be considered the point at which we have arrived. The assembled representatives of many nations, including all the greatest upon the earth, have decided that it is to arbitration men must look for relief, rather than to partial disarmament, or even to an arrest in the progress of preparations for war. Of the beneficence of the practice of arbitration, of the wisdom of substituting it, when possible, for the appeal to arms, with all the misery therefrom resulting, there can be no doubt; but it will be expected that in its application, and in its attempted development, the tendencies of the day, both good and bad, will make themselves felt. If, on the one hand, there

is solid ground for rejoicing, in the growing inclination to resort first to an impartial arbiter, if such can be found, when occasion for collision arises, there is, on the other hand, cause for serious reflection, when this most humane impulse is seen to favor methods, which by compulsion shall vitally impair the moral freedom, and the consequent moral responsibility, which are the distinguishing glory of the rational man, and of the sovereign state.

One of the most unfortunate characteristics of our present age is the disposition to impose by legislative enactment—that is, by external compulsion—restrictions of a moral character, which are either fundamentally unjust, or at least do not carry with them the moral sense of the community, as a whole. It is not religious faith alone that in the past has sought to propagate itself by force of law, which ultimately is force of physical coercion. If the religious liberty of the individual has been at last won, as we hope forever, it is sufficiently notorious that the propensity of majorities to control the freedom of minorities, in matters of disputed right and wrong, still exists, as certain and as tyrannical as ever was the will of Philip II. that there should be no

heretic within his dominion. Many cannot so much as comprehend the thought of an English bishop, that it was better to see England free than England sober.

In matters internal to a state, the bare existence of a law imposes an obligation upon the individual citizen, whatever his personal conviction of its rightfulness or its wisdom. Yet is such obligation not absolute. The primary duty, attested alike by the law and the gospel, is submission. The presumption is in favor of the law; and if there lie against it just cause for accusation, on the score either of justice or of expediency, the interests of the Commonwealth and the precepts of religion alike demand that opposition shall be conducted according to the methods, and within the limits, which the law of the land itself prescribes. But it may be — it has been, and yet again may be — that the law, however regular in its enactment, and therefore unquestionable on the score of formal authority, either outrages fundamental political right, or violates the moral dictates of the individual conscience. Of the former may be cited as an instance the Stamp Act, perfectly regular as regarded statutory validity, which kindled the flame of revolution in America. Of

the second, the Fugitive Slave Law, within the memory of many yet living, is a conspicuous illustration. Under such conditions, the moral right of resistance is conceded — nay, is affirmed and emphasized — by the moral consciousness of the races from which the most part of the American people have their origin, and to which, almost wholly, we owe our political and religious traditions. Such resistance may be passive, accepting meekly the penalty for disobedience, as the martyr who for conscience' sake refused the political requirement of sacrificing to the image of the Cæsar; or it may be active and violent, as when our forefathers repelled taxation without representation; or when men and women, of a generation not yet wholly passed away, refused to violate their consciences by acquiescing in the return of a slave to his bondage, resorting to evasion or to violence, according to their conditions or temperaments, but in every case deriving the sanction for their unlawful action from the mandate of their personal conscience.

And let it be carefully kept in mind that it is not the absolute right or wrong of the particular act, as seen in the clearer light of a later day, that justified men, whether in the particular

instances cited, or in other noteworthy incidents in the long series of steps by which the English-speaking races have ascended to their present political development. It is not the demonstrable rightfulness of a particular action, as seen in the dispassionate light of the arbiter, posterity, that has chiefly constituted the merit of the individual rebel against the law in which he beheld iniquity; the saving salt, which has preserved the healthfulness of the body politic, has been the fidelity to Conscience, to the faithful, if passionate, arbiter of the moment, whose glorious predominance in the individual, or in the nation, gives a better assurance of the highest life than does the clearest intellectual perception of the rightfulness, or of the expediency, of a particular course. One may now see, or think that he sees, as does the writer, with Lincoln, that if slavery is not wrong, nothing is wrong. It was not so clear half a century ago; and while no honor is too great for those early heroes, who for this sublime conviction withstood obloquy and persecution, legal and illegal, it should be never forgotten that the then slave States, in their resolute determination to maintain by arms, if need be, and against superior force, that which they believed to be their constitutional



political right, made no small contribution to the record of fidelity to conscience and to duty, which is the highest title of a nation to honor. Be it by action or be it by submission, by action positive or by action negative, whatsoever is not of faith — of conviction — is sin.

The just and necessary exaltation of law, as the guarantee of true liberty, with the consequent accepted submission of the individual to it, and the recognized presumption in favor of such submission, have tended to blind us to the fact that the individual, in our highest consciousness, has never surrendered his moral freedom, — his independence of conscience. No human law overbears that supreme appeal, which carries the matter from the tribunal of man into the presence of God; nor can human law be pleaded at this bar as the excuse for a violation of conscience. It is a dangerous doctrine, doubtless, to preach that there may be a "higher law" than obedience to law; but truth is not to be rejected because dangerous, and the time is not long past when the phrase voiced a conviction, the forcible assertion of which brought slavery to an end forever.

The resort to arms by a nation, when right cannot otherwise be enforced, corresponds, or

should correspond, precisely to the acts of the individual man which have been cited; for the old conception of an appeal to the Almighty, resembling in principle the mediæval trial by battle, is at best but a partial view of the truth, seen from one side only. However the result may afterwards be interpreted as indicative of the justice of a cause,—an interpretation always questionable,—a state, when it goes to war, should do so not to test the rightfulness of its claims, but because, being convinced in its conscience of that rightfulness, no other means of overcoming evil remains.

Nations, like men, have a conscience. Like men, too, the light of conscience is in nations often clouded, or misguided, by passion or by interest. But what of that? Does a man discard his allegiance to conscience because he knows that, itself in harmony with right, its message to him is perplexed and obscured by his own infirmities? Not so. Fidelity to conscience implies not only obedience to its dictates, but earnest heart-searching, the use of every means, to ascertain its true command; yet withal, whatever the mistrust of the message, the supremacy of the conscience is not impeached. When it is recognized

that its final word is spoken, nothing remains but obedience. Even if mistaken, the moral wrong of acting against conviction works a deeper injury to the man, and to his kind, than can the merely material disasters that may follow upon obedience. Even the material evils of war are less than the moral evil of compliance with wrong.

"Yes, my friend," replied to me a foreign diplomatist to whom I was saying some such things, "but remember that only a few years ago the conscience of your people was pressing you into war with Great Britain in the Venezuelan question." "Admitting," I replied, "that the first national impulse, the first movement of the conscience, if you like, was mistaken, — which is at least open to argument, — it remains that there was no war; time for deliberation was taken, and more than that can be asked of no conscience, national or personal. But, further, had the final decision of conscience been that just cause for war existed, no evil that war brings could equal the moral declension which a nation inflicts upon itself, and upon mankind, by deliberate acquiescence in wrong, which it recognizes and which it may right." Nor is this conclusion vitiated by the fact that war is made at times upon mistaken

conviction. It is not the accuracy of the decision, but the faithfulness to conviction, that constitutes the moral worth of an action, national or individual.

The general consciousness of this truth is witnessed by a common phrase, which excludes from suggested schemes of arbitration all questions which involve "national honor or vital interests." No one thing struck me more forcibly during the Conference at The Hague than the exception taken and expressed, although in a very few quarters, to the word "honor," in this connection. There is for this good reason; for the word, admirable in itself and if rightly understood, has lost materially in the clearness of its image and superscription, by much handling and by some misapplication. Honor does not forbid a nation to acknowledge that it is wrong, or to recede from a step which it has taken through wrong motives or mistaken reasons; yet it has at times been so thought, to the grievous injury of the conception of honor. It is not honor, necessarily, but sound policy, which prescribes that peace with a semi-civilized foe should not be made after a defeat; but, however justifiable the policy, the word "honor" is defaced by thus misapplying it.

The varying fortunes, the ups and downs of the idea of arbitration at the Conference of The Hague, as far as my intelligence could follow them, produced in me two principal conclusions, which so far confirmed my previous points of view that I think I may now fairly claim for them that they have ripened into *opinions*, between which word, and the cruder, looser views received passively as *impressions*, I have been ever careful to mark a distinction. In the first place, compulsory arbitration stands at present no chance of general acceptance. There is but one way as yet in which arbitration can be compulsory; for the dream of some advanced thinkers, of an International Army, charged with imposing the decrees of an International Tribunal upon a recalcitrant state, may be dismissed as being outside of practical international politics, until at least the nations are ready for the intermediate step of moral compulsion, imposed by a self-assumed obligation — by a promise. In the general understanding, compulsory arbitration as yet means only the moral compulsion of a pledge, taken beforehand, and more or less comprehensive, to submit to arbitration questions which rest still in the unknown future; the very terms of which therefore cannot be foreseen. Al-

though there is a certain active current of agitation in favor of such stipulations, there is no general disposition of governments to accede, except under very narrow and precise limitations, and in questions of less than secondary importance.<sup>1</sup>

Secondly, there appears to be, on the other hand, a much greater disposition than formerly to entertain favorably the idea of arbitration, as a means to be in all cases considered, and where possible to be adopted, in order to solve peaceably difficulties which threaten peace. In short, the consciences of the nations are awake to the wickedness of unnecessary war, and are disposed, as a general rule, to seek first, and where admissible, the counterpoise of an impartial judge, where such can be found, to correct the bias of national self-will; but there is an absolute indisposition, an instinctive revolt, against signing away, beforehand, the national conscience, by a promise that any other arbiter than itself shall be accepted in questions of the future, the import of which cannot yet be discerned. Of this feeling the vague and somewhat clumsy phrase, "national honor

<sup>1</sup> The attempt at the recent Second Conference of the Hague to frame a list of subjects to be of obligatory arbitration, and the excessively colorless character of the subjects admitted, will be fresh in the memory of those who have followed the proceedings.

and vital interests," has in the past been the expression; for its very indeterminateness reserved to conscience in every case the decision, — "May another judge for me here, or must I be bound by my own sense of right?"

Under these circumstances, and having reached so momentous a stage in progress as is indicated by the very calling together of a world conference for the better assuring of peace, may it not be well for us to pause a moment and take full account of the idea, Arbitration, on the right hand and on the left? Noble and beneficent in its true outlines, it too may share, may even now be sharing, the liability of the loftiest conceptions to degenerate into catchwords, or into cant. "Liberty, what crimes have been wrought in thy name!" and does not religion share the same reproach, and conscience also? Yet will we not away with any of the three.

The conviction of a nation is the conviction of the mass of the individuals thereof, and each individual has therefore a personal responsibility for the opinion he holds on a question of great national, or international, moment. Let us look, each of us, — and especially each of us who fears God, — into his own inner heart, and ask himself

how far, in his personal life, he is prepared to accept arbitration. Is it not so that the reply must be, "In doubtful questions of moment, wherever I possibly can, knowing my necessary, inevitable proneness to one-sided views, I will seek an impartial adviser, that my bias may be corrected; but when that has been done, when I have sought what aid I can, if conscience still commands, I must obey it. From that duty, burdensome though it may be, no man can relieve me. Conscience, diligently consulted, is to the man the voice of God; between God and the man no other arbiter comes." And if this be so, a pledge beforehand is impossible. I cannot bind myself for a future of which I as yet know nothing, to abide by the decision of any other judge than my own conscience. Much humor — less wit — has been expended upon the Emperor of Germany's supposed carefulness to reject arbitration because an infringement of his divine rights; a phrase which may well be no more than a blunt expression of the sense that no third party can relieve a man from the obligations of the position to which he is called by God, and that for the duties of that position the man can confidently expect divine guidance and help. Be that as it



may, the divine right of conscience will, among Americans, receive rare challenge.

It has been urged, however, that a higher organization of the nations, the provision of a supreme tribunal issuing and enforcing judgments, settling thereby quarrels and disputed rights, would produce for the nations of the earth a condition analogous to that of the individual citizen of the state, who no longer defends his own cause, nor is bound in conscience to maintain his own sense of right, when the law decides against him. The conception is not novel, not even modern; something much like it was put forth centuries ago by the Papacy concerning its own functions. It contains two fallacies. First, the submission of the individual citizen is to force, to the constitution of which he personally contributes little, save his individual and general assent. To an unjust law he submits under protest, doubtless often silent; but he submits, not because he consents to the wrong, whether to himself personally or to others, but because he cannot help it. This will perhaps be denied, with the assertion that willing, intelligent submission to law, even when unjust, is yielded by most for the general good. One has, however, only to consider

the disposition of the average man to evade payment of taxes, to recognize how far force daily enters into the maintenance and execution of law. Nations, on the contrary, since no force exists, or without their volition can exist, to compel them to accept the institution of an authority superior to their own conscience, yield a willing acquiescence to wrong, when they so yield in obedience to an external authority imposed by themselves. The matter is not helped by the fact of a previous promise to accept such decisions. The wrongdoing of an individual, in consequence of an antecedent promise, does not relieve the conscience thus rashly fettered. The ancient warning still stands, "Suffer not thy mouth to cause thy flesh to sin." For the individual or the nation, arbitration is not possible where the decision may violate conscience; it therefore can be accepted only when it is known that interest merely, not duty, will be affected by the judgment, and such knowledge cannot exist antecedent to the difficulty arising.

There is a further — a second — fallacy in the supposed analogy between the submission of individuals to law, and the advocated submission of states to a central tribunal. The law of the

state, overwhelming as is its power relatively to that of the individual citizen, can neither bind nor loose in matters pertaining to the conscience. Still less can any tribunal, however solemnly constituted, liberate a state from its obligation to do right; still less, I say, because the state retains, what the individual has in great part lost, the power to maintain what it believes to be right. Many considerations may make it more right — I do not say *more expedient* — for a man or for a nation, to submit to, or to acquiesce in, wrong than to resist; but in such cases it is conscience still that decides where the balance of justice turns distinctly to the side of wrong. It is, I presume, universally admitted, that occasions may arise where conscience not only justifies, but compels, resistance to law; whether it be the Christian citizen refusing to sacrifice, or the free citizen to subject himself to unconstitutional taxation, or to become the instrument of returning the slave to his master. So also for the Christian state. Existing wrong may have to be allowed, lest a greater wrong be done. Conscience only can decide; and for that very reason conscience must be kept free, that it may decide according to its sense of right, when the case is presented.

There is, therefore, the very serious consideration attendant upon what is loosely styled "compulsory" arbitration, — arbitration stipulated, that is, in advance of a question originating, or of its conditions being appreciated, — that a state may thereby do that which a citizen as towards the state does not do; namely, may voluntarily assume a moral obligation to do, or to allow, wrong. And it must be remembered, also, that many of the difficulties which arise among states involve considerations distinctly beyond and higher than law as international law now exists; whereat the advocated Permanent Tribunal, to which the ultra-organizers look, to take cognizance of all cases, must perforce be governed by law as it exists. It is not, in fact, to be supposed that nations will submit themselves to a tribunal, the general principles of which have not been crystallized into a code of some sort.

A concrete instance, however, is always more comprehensible and instructive than a general discussion. Let us therefore take the incidents and conditions which preceded our recent war with Spain. The facts, as seen by us, may, I apprehend, be fairly stated as follows: In the island of Cuba, a powerful military force, — gov-

ernment it scarcely could be called, — foreign to the island, was holding a small portion of it in enforced subjection, and was endeavoring, unsuccessfully, to reduce the remainder. In pursuance of this attempt, measures were adopted that inflicted immense misery and death upon great numbers of the population. Such suffering is indeed attendant upon war; but it may be stated as a fundamental principle of civilized warfare that useless suffering is condemned, and it had become apparent to military eyes that Spain could not subdue the island, nor restore orderly conditions. The suffering was terrible, and was unavailing.

Under such circumstances, does any moral obligation lie upon a powerful neighboring state? Or, more exactly, if there is borne in upon the moral consciousness of a mighty people that such an afflicted community as that of Cuba at their doors is like Lazarus at the gate of the rich man, and that the duty of stopping the evil rests upon them, what is to be done with such a case of conscience? Could the decision of another, whether nation or court, excuse our nation from the ultimate responsibility of its own decision? But, granting that it might have proved expedient

to call in other judges, when we had full knowledge of the circumstances, what would have been our dilemma if, conscience commanding one course, we had found ourselves antecedently bound to abide by the conclusions of another arbiter? For let us not deceive ourselves. Absolutely justifiable, nay, imperative, as most Americans believe our action to have been, when tried at the bar of conscience, no arbitral court, acceptable to the two nations, would have decided as our own conscience did. A European diplomatist of distinguished reputation, of a small nation likeliest to be unbiassed, so said to me personally, and it is known that more than one of our own ablest international lawyers held that we were acting in defiance of international law as it now exists; just as the men who resisted the Fugitive Slave Law acted in defiance of the statute law of the land. Decision must have gone against us, so these men think, on the legal merits of the case. Of the moral question the arbiter could take no account: it is not there, indeed, the moral questions must find their solution, but in the court of conscience. Referred to arbitration, doubtless the Spanish flag would still fly over Cuba.

There is unquestionably a higher law than

Law, concerning obedience to which no other than the man himself, or the state, can give account to Him that shall judge. The freedom of the conscience may be fettered or signed away by him who owes to it allegiance; yet its supremacy, though thus disavowed, cannot be overthrown. The Conference at The Hague has facilitated future recourse to arbitration, by providing means through which, a case arising, a court is more easily constituted, and rules governing its procedure are ready to hand; but it has refrained from any engagements binding states to have recourse to the tribunal thus created. The responsibility of the state to its own conscience remains unimpeached and independent. The progress thus made and thus limited is to a halting place, at which, whether well chosen or not, the nations must perforce stop for a time; and it will be wise to employ that time in considering the bearings, alike of that which has been done, and of that which has been left undone.

Our own country has a special need thus carefully to consider the possible consequences of arbitration, understood in the sense of an antecedent pledge to resort to it; unless under limitations very carefully hedged. There is an un-

doubted popular tendency in direction of such arbitration, which would be "compulsory" in the highest moral sense,—the compulsion of a promise. The world at large, and we especially, stand at the opening of a new era, concerning whose problems little can be foreseen. Among the peoples, there is manifested intense interest in the maturing of our national convictions, as being, through Asia, new-comers into active international life, concerning whose course it is impossible to predict; and in many quarters, probably in all except Great Britain, the attitude toward us is watchful rather than sympathetic. The experience of Crete and of Armenia does not suggest beneficent results from the arbitration of many counsellors; especially if contrasted with the more favorable issue when Russia, in 1877, acting on her own single initiative, forced by the conscience of her people, herself alone struck the fetters from Bulgaria; or when we ourselves last year, rejecting intermediation, loosed the bonds from Cuba, and lifted the yoke from the neck of the oppressed.

It was inevitable that thoughts like these should recur frequently to one of the writer's habit of thought, when in constant touch with the atmos-



phere that hung around the Conference, although the latter was by it but little affected. The poet's words, "The Parliament of man, the federation of the world," were much in men's mouths this past summer. There is no denying the beauty of the ideal, but there was apparent also a disposition, in contemplating it, to condemn the slow processes of evolution by which Nature commonly attains her ends, and to impose at once, by convention, the methods that commended themselves to the sanguine. Fruit is not best ripened by premature plucking, nor can the goal be reached by such short cuts. Step by step, in the past, man has ascended by means of the sword, and his more recent gains, as well as present conditions, show that the time has not yet come to kick down the ladder which has so far served him. Three hundred years ago, the people of the land in which the Conference was assembled wrenched with the sword civil and religious peace, and national independence, from the tyranny of Spain. Then began the disintegration of her empire, and the deliverance of peoples from her oppression; but this was completed only last year, and then again by the sword — of the United States.

In the centuries which have since intervened, what has not "justice, with valor armed," when confronted by evil in high places, found itself compelled to effect by resort to the sword? To it was due the birth of the United States, not least among the benefits of which was the stern experience that has made Great Britain no longer the mistress, but the mother, of her dependencies. The control, to good from evil, of the devastating fire of the French Revolution, and of Napoleon, was due to the sword. The long line of illustrious names and deeds, of those who bore it not in vain, has in our times culminated — if indeed the end is even yet nearly reached — in the new birth of the United States by the extirpation of human slavery, and in the downfall, but yesterday, of a colonial empire identified with tyranny. What the sword, and it supremely, tempered only by the stern demands of justice and of conscience, and the loving voice of charity, has done for India and for Egypt, is a tale at once too long and too well known for repetition here. Peace, indeed, is not adequate to all progress; there are resistances that can be overcome only by explosion. What means less violent than war would in a half-year have solved the Caribbean problem,

shattered national ideas deep rooted in the prepossessions of a century, and planted the United States in Asia, face to face with the great world problem of the immediate future? What but the War of 1898 rent the veil which prevented the English-speaking communities from seeing eye to eye, and revealed to each the face of a brother? Little wonder that a war which, with comparatively little bloodshed, brought such consequences, was followed by the call for a Peace Conference!

Power, force, is a faculty of national life; one of the talents committed to nations by God. Like every other endowment of a complex organization, it must be held under control of the enlightened intellect and of the upright heart; but no more than any other can it be carelessly or lightly abjured, without incurring the responsibility of one who buries in the earth that which was intrusted to him for use. And this obligation to maintain right, by force if need be, while common to all states, rests peculiarly upon the greater, in proportion to their means. Much is required of those to whom much is given. So viewed, the ability speedily to put forth the nation's power, by adequate organization and other necessary preparation, according to the reasonable demands of

the nation's intrinsic strength and of its position in the world, is one of the clear duties involved in the Christian word "watchfulness," — readiness for the call that may come, whether expectedly or not. Until it is demonstrable that no evil exists, or threatens the world, which cannot be obviated without recourse to force, the obligation to readiness must remain; and, where evil is mighty and defiant, the obligation to use force — that is, war — arises. Nor is it possible, antecedently, to bring these conditions and obligations under the letter of precise and codified law, to be administered by a tribunal. The spirit of legalism is marked by blemishes as real as those commonly attributed to "militarism," and not more elevated. The considerations which determine good and evil, right and wrong, in crises of national life, or of the world's history, are questions of equity often too complicated for decision upon mere rules, or even upon principles, of law, international or other. The instances of Bulgaria, of Armenia, and of Cuba, are entirely in point; and it is most probable that the contentions about the future of China will afford further illustration. Even in matters where the interest of nations is concerned, the moral element enters;

because each generation in its day is the guardian of those which shall follow it. Like all guardians, therefore, while it has the power to act according to its best judgment, it has no right, for the mere sake of peace, to permit known injustice to be done to its wards.

The present strong feeling in favor of arbitration, throughout the nations of the world, is in itself a subject for congratulation almost unalloyed. It carries indeed a promise, to the certainty of which no paper covenants can pretend; for it influences the conscience by inward conviction, not by external fetter. But it must be remembered that such sentiments, from their very universality and evident laudableness, need correctives, for they bear in themselves a great danger of excess or of precipitancy. Excess is seen in the disposition, far too prevalent, to look upon war not only as an evil, but as an evil unmixed, unnecessary, and therefore always unjustifiable; while precipitancy, to reach results considered desirable, is evidenced by the wish to *impose* arbitration, to prevent recourse to war, by a general pledge previously made. Both frames of mind receive expression in the words of speakers, among whom a leading characteristic

is lack of measuredness and of proportion. Thus an eminent citizen is reported to have said: "There is no more occasion for two nations to go to war than for two men to settle their difficulties with clubs." Singularly enough, this point of view assumes to represent peculiarly Christian teaching. In so doing, it wilfully ignores the truth that Christianity, while it will not force the conscience by other than spiritual arguments, as "compulsory" arbitration might, distinctly recognizes the sword as the resister and remedier of evil in the sphere "of this world."

Arbitration's great opportunity has come in the advancing moral standards of states, whereby the disposition to deliberate wrong-doing has diminished; consequently, the occasions for redressing wrong by force are less frequent to arise. In view of recent events however, and very especially of notorious, high-handed oppression, initiated since the calling of the Peace Conference,<sup>1</sup> and resolutely continued during its sessions in defiance of the public opinion of the world at large, it is pre-

<sup>1</sup> Lest this be misunderstood to be an allusion to the recent measures of Japan in Korea, I renew here the caution that in this article all references to the Peace Conference are to that of 1899.

mature to assume that such occasions belong wholly to the past. Much less can it be assumed that there will be no further instances of a community believing, conscientiously and entirely, that honor and duty require of it a certain course, which another community with equal integrity may hold to be inconsistent with the rights and obligations of its own members. It is, for instance, quite possible, especially to one who has recently visited Holland, to conceive that Great Britain and the Boers are alike satisfied of the substantial justice of their respective claims. It is permissible most earnestly to hope that, in disputes between sovereign states, arbitration may find a way to reconcile peace with fidelity to conscience, in the case of both; but if the conviction of conscience remains unshaken, war is better than disobedience, — better than acquiescence in recognized wrong. The great danger of indiscriminating advocacy of arbitration, which threatens even the cause it seeks to maintain, is that it may lead men to tamper with equity, to compromise with unrighteousness, soothing their conscience with the belief that War is so entirely wrong that beside it no other tolerated evil is wrong. Witness Armenia, and witness Crete. War has been

avoided; but what of the national consciences that beheld such iniquity and withheld the hand?

NOTE. — This paper was the means of bringing into the author's hands a letter by the late General Sherman, which forcibly illustrates how easily, in quiet moments, men forget what they have owed, and still owe, to the sword. From the coincidence of its thought with that of the article itself, permission to print it here has been asked and received.

NEW YORK, February 5th, 1890.

DEAR GENERAL MEIGS, — I attended the Centennial Ceremonies in honor of the Supreme Court yesterday, four full hours in the morning at the Metropolitan Opera House, and about the same measure of time at the Grand Banquet of 850 lawyers in the evening at the Lenox Lyceum.

The whole was superb in all its proportions, but it was no place for a soldier. I was bidden to the feast solely and exclusively because in 1858 for a few short months I was an attorney at Leavenworth, Kansas.

The Bar Association of the United States has manifestly cast aside the Sword of Liberty. Justice and Law have ignored the significance of the Great Seal of the United States, with its emblematic olive branch and thirteen arrows, "all proper," and now claim that, without force, Law and moral suasion have carried us through one hundred years of history. Of course, in your study you will read at leisure these speeches, and if in them you discover any sense of obligation to the Soldier element, you will be luckier than I, a listener.

From 1861 to 1865 the Supreme Court was absolutely



paralyzed: their decrees and writs were treated with contempt south of the Potomac and Ohio; they could not summon a witness or send a Deputy Marshal. War, and the armed Power of the Nation, alone removed the barrier and restored to the U. S. courts their lawful jurisdiction. Yet, from these honied words of flattery, a stranger would have inferred that at last the lawyers of America had discovered the sovereign panacea of a Government without force, either visible or in reserve.

I was in hopes the Civil War had dispelled this dangerous illusion, but it seems not.

You and I can fold our hands and truly say we have done a man's share, and leave the consequences to younger men who must buffet with the next storms; but a Government which ignores the great truths illuminated in heraldic language over its very Capitol is not yet at the end of its woes.

With profound respect,

W. T. SHERMAN.



### **III**

## **THE HAGUE CONFERENCE AND THE PRACTICAL ASPECT OF WAR**

Therefore it could not rightfully commit itself to such a course, in advance, except for such cases as admitted of clear definition; reserving to its own determination matters of moral obligation.

To give again my arguments in detail is not here pertinent; but in one particular I may properly repeat, because it leads directly to my present theme, thus linking this article to its predecessor. I urged that it is not to be supposed that nations will antecedently submit themselves to a tribunal, the general principles of which have not been crystallized into a code of some sort. A Court of Arbitration, however constituted, should have laid down for its guidance and governance certain established rules, or body of precedents, which by common agreement have reached the authority of law, and so may justly be styled law international; a code, to which appeal may be made, and upon which decision shall rest unchallengeable. Under present circumstances, when a case shall have arisen, and be pending, its characteristic features apparent, the nations concerned will know how far they can trust themselves, as a substitute for such a code, to the existing state of international law, undigested for final formal acceptance; but there is not the same assurance for an unknown

incident of the future. Where an antecedent body of accepted law is wanting, arbitration becomes a matter of personal beliefs or opinions on the part of the arbitrators; just as many so-called treatises on international law express the views of the writers, frequently discordant, as to what law ought to be, rather than a definition of what it is. Such a definition in fact is impossible, because there is not a law. Law, strictly so called, presupposes a law-maker; and for international law the law-maker has not yet come into existence. Particular nations have made treaties innumerable, which are laws unto the contracting parties, for they have power to frame and impose them; but not laws to other states over whom they have not power.

The Hague Tribunal has already, in its brief existence, furnished a striking illustration of the dangers which may be apprehended from submitting to it questions of right, as distinct from questions of fact, until by an agreement certain principles have been established, and their bearings in some measure defined by applying them to specific possible cases, thus making laws; analogy from which might support action of the court if an unforeseen case arise. The instance is none

the less striking because the nations referring it did so with full knowledge of the matter and interests at stake, and of the existing condition of international law. It merely makes all the stronger the argument that it is unsafe to bind oneself beforehand to submit cases that are not yet foreseen. In the case of a delinquent state, compelled by armed force to settle the claims of its creditors, the Hague Tribunal has decided that in the subsequent payments the citizens of the states which thus resorted to arms to get back their money were entitled to be the first paid; and great has been the indignation of those whose moral sense repudiates all recourse to force for such purposes. That this judgment rested technically upon the ground that the delinquent state had offered special guarantees only to the blockading nations, illustrates aptly the surprises that may await those who go to arbitration before details as well as principles are settled. In a pamphlet put forth under the auspices of a prominent Peace Association I find the following comment: "The decision has been much criticized, as appearing to encourage force in debt collecting; but, in seeking a strictly legal solution, the arbitrators may have been forced to ignore the ethical question in-

volved." This supposed opposition between presumed ethical right and strict law had better be adjusted, before a question involving ethics is submitted to a tribunal liable to fluctuations of opinion, as the individual members composing it vary. It can scarcely be alleged that anything like an international consensus now obtains as to the ethical propriety of forcing a nation to pay its creditors. I do not pretend to say which course is right from the moral standpoint; but, as international law till now has tolerated the forcible collection of such debts, I own to thinking that the peoples who by resort to authorized methods obtained redress for all parties were entitled for their trouble and expense to have the first lien upon the security pledged. Others do not think so, and there you are. On either side of the dissent is a highly respectable body of opinion; but that of the judges goes. There is neither settled principle nor adverse precedent, and the result is a grudging acquiescence by the last served.

In these cases, whatever be thought of the methods, the sufferers had little claim to sympathy, and the principle at stake, though novel and important, can hardly be said to touch vital interests or national honor: but how far does the experience

### *Some Neglected Aspects of War*

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courage nations, antecedently to knowledge of the questions that may arise, and with a body of formulated law as yet meagre, to intrust to such a tribunal matters which may involve vital interests, such as the United States conceives to be embodied in the Monroe Doctrine? or of moral propriety, which many Americans thought violated in the particular decision? When a case has arisen, a government may know the extent to which it commits itself in accepting arbitration; but for the unforeseen future what standards are there whereby to measure what the tribunal will do, or will not? what the maximum and minimum limits of its action, which by the hypothesis we have bound ourselves antecedently to accept? Is it practical to consign vital interests or national honor to so uncertain an issue, by failing to reserve them? Indeed, would not the more prudent course be to state explicitly what character of cases would be submitted, and to reserve all others? This question much resembles that so much discussed of the powers of the General Government and of the several States in the American Union. If the nations are to confederate, should there not first be a Constitution? It is true that healthy constitutions grow, even when so rigidly guarded



as that of the United States; but through centuries of diplomacy the practice of nations has been slowly growing into a noteworthy bulk of precedents, material available for codification, after discussion.

Whether such codification is as yet practicable may be doubted, in view of the extensive argumentation still conducted by diplomacy over the bearing of so-called principles on current questions: but could it be effected in any degree, and definitely accepted by all the great nations, it would carry so far a certain assurance of justice, and thus to a great extent would limit the decisions of an arbitral body to a finding on the facts, to which principles or rules already established, and known beforehand, would be applied. So far as a man or a nation knows the tests that will be used, he or it can afford to mortgage his conscience in advance; because adequately assured that right — to which principles apply — will not suffer, although interests, which depend upon the facts, may. But, really to be known, the principles must not be merely general in statement, but specific in their application to the range of international relations under consideration. Such application may fail of completeness, but should be attempted.

Nothing is final, but none the less finality is a proper aim. An instance of such a compilation is the series of rules to govern the practices of war by land and sea in certain defined matters, drawn up by the first Hague Conference, and by it recommended for adoption to the governments represented.

Now, such formulation of principles and rules, as far as it may go, is a tangible and practical substitute for war; and where approved and accepted will to its extent avert war. Meanwhile, for the adjustment of unforeseen differences that continually arise, and will arise, we now have the established methods of diplomatic correspondence, and negotiations in their various orders, to which the last resort is war. War is one of the established methods of settlement. The practical aspect of war therefore is that it is a means, possibly crude and partial in operation, but for which as yet no satisfactory alternative has been devised, whereby a nation enforces a claim to what it considers essential interest or national honor. The recent collection of debts from one or more South American States was an act of war; was war, though there was no formal proclamation, little bloodshed, and no treaty of peace.

What practical substitute was there for such action? As far as I understand, none, except the view formulated, but not yet accepted generally by creditor nations, that a delinquent state should not be compelled to pay. I believe there was no question that the debts were due. The facts were admitted, but the question of principle was raised whether a government owed to its own citizens to collect such debt; or whether, as in blockade running, they must accept the consequences of their risks, in this case of lending on doubtful security. Evidently, if states are to arbitrate, this question of principle should be determined beforehand. As it is, all we have gained from the particular example is an evidence that arbitration, to be generally satisfactory, should proceed on principles formally recognized, and sufficiently developed in application to be a check upon a court's decisions. No international method can endure unless generally satisfactory. It is a general dissatisfaction which now seeks to disestablish war; but to be successful it must present an alternative that shall be workable, and not merely alluring. I strongly suspect that as yet a tempting prospect is taken for a solid reality.

These cases have presented, in miniature, the

sequence of cause and effect which up to the most serious international dispute issues in war, and which as yet in many cases can have no other outcome than war, or the retreat of one of the parties. Such retreat is usually because not strong enough to act; it results from inadequate material power. It may not be overt; that is, the state which conceives itself or its people injured, may not go so far in its measures as to necessitate retreat. The South American States were under moral obligation to pay their debts; they refused, and they retreated. Under pressure of force they discharged, or made provision for discharging, a moral duty which they had before declined. In the case of some States of the American Union, which at one time refused to meet their indebtedness to British subjects, no threat of force was made, nor measure looking to force undertaken. It was not expedient; for, whatever the outcome, war would have cost too much in every way. The facts in neither case alter the question of moral obligation, nor is this affected by the particular action in either. But the practical bearing and value of war, its practical aspect, is shown in both instances. In the one, war compelled payment; in the other, power to fight enabled the

debtor to be obstinate in his refusal, to gain, let us say, time to develop his resources and meet his obligations. In neither was concession made to the moral aspect of the question. Each was simply a practical exhibition of the influence of physical force.

Is such employment of physical force as here illustrated a practical factor in the affairs of the world? and is it a necessary factor? The necessity is part of the practicality; for, if there be an adequate and better alternative, it certainly is not practical to cling to the worse. I think the determining consideration is this. Is the course of human conduct, individual or national, determined more by moral influences or by physical pressure? by considerations of right and wrong, or by the needs of the body—food, drink, clothing? If we call ambition, or the love of adventure and action, a moral motive, these certainly count for much with those not in bodily need. I presume that in the career of Napoleon there is manifested beyond anything else the consuming necessity for the faculties of an intensely gifted man to find vent in corresponding action; and in degree smaller men, or nations through their rulers, feel and yield to the same impulse. And there are

nobler motives, love of country or of race, liberty, religion, all prompting to extend influence or to resist wrong. Hampden's refusal to pay ship-money, that of the American colonists to submit to the stamp and tea duties, rest on the principle of no taxation except through representation. The smallness of the exactions involved places the resistances on the level of vindicating moral principle; but, after all, the principle itself rests upon the need of the individuals of a community to preserve to themselves, under adequate guarantee, the necessities and conveniences of life. In last analysis, and in by far the greater part, is it not so that bodily necessities, or, worse, bodily desires, chiefly move men and nations? What precipitated the outside barbarians, the migration of the peoples, upon the Roman Empire? Bodily impulses; pressure from behind and alluring civilization in front. What for long checked the movement? Resistant bodily organization of physical force, the prevision of Cæsar. What to-day is precipitating the outside world upon the American continents—men forsaking their families, families their homes and kindred, the sacred associations of centuries, in search of material betterment? From the east and from the west,

from Europe and from Asia, the flood impends; in that from Europe regulated by force, the force of national tradition organized in power, controlling and absorbing the foreign elements; in the Asiatic instance excluding, also by force; force which is invoked by those who fear the effect of increasing numbers and cheaper labor upon their own material welfare. Is there in any of these movements a moral motive upon which dependence can be placed for restraint, and to which appeal may be addressed? Or is the successful control so far exercised simply that of organized physical force, retarding consequences in order that adjustment may take place, as did Cæsar? If so, what more practical? and what is organized physical control but war *in posse*? — nay, rather, it is war *in esse*.

Again, look, which are to-day the most aggressive nations, in the sense of seeking external expansion? I here use the word “ aggressive ” in no invidious or condemnatory sense, but in that neutral moral signification which inheres in its derivation, of motion towards an end to be attained, or a something needed — a phase of the world-wide struggle between the haves and the have-nots. Are they not Germany, Japan, Russia? And why? Am-

bition? I scarcely think so, except as perception of national necessities by a government, and desire to provide for them, may be so called. The motive which impels them may be touched and influenced by moral considerations, good or bad; but the prime characteristic is material. Food, drink, clothing, are the simplest expression of the bodily demands; but to these the refinements of civilization have given a development beyond mere exigency to reasonable comfort. Provision for these requires space proportioned to numbers, and it requires also opportunity. The numbers of Germany and Japan press for larger room, and for a wide extension of commercial opportunity; both which are wanted to feed their millions, to give them meat with their bread. They are have-nots; the former aggressive careers of the maritime states, Great Britain and France, the as yet superabundant territory of the United States, place them in the class of the haves. Russia, less cramped for mere territory, needs sea room. Doubled back again upon herself, as in 1856 and 1878, she now lies convulsed, in labor of the freedom which happier conditions of inter-communication with other states might have brought to her as it has to them. The children are come to the



birth, and there is not strength to bring forth. Hemmed in so far successfully on the Black Sea and towards the Indian Ocean, she has seen herself baffled again in the third and last remaining solution of a problem involving the material well-being of her population. At a critical moment of national expansion Russia has been foiled, because in face of an inevitable "irrepressible conflict" she had neglected to prepare for war. I do not defend her recent conduct; I merely note her need. As far as my not too profound knowledge of the circumstances goes, it has been impossible to refuse my sympathy to Japan in the precedent events which constituted the occasion for the war. But, as distinct from its occasion, the cause lay deep in the material pressures resting upon either nation. Will you meet such a conflict on the one side or the other, or on both, by an appeal to a moral argument of such doubtful vindication as the wrongfulness of war, with the moral alternative of submission to an extraneous court of unsympathetic strangers? There can be legal decision upon a legal point, where a law exists; but can there be true ethical fairness without sympathetic intuition of national difficulties, and can sympathy hold an even balance? Why

should I trust the crying needs of my children to the decisions of another than myself? Is it, indeed, moral to do so? Is not material force, after all, the one practical arbiter between two opposing material impulses, because as things have been, and are, it alone gives rest? Such opposition of material forces may merely exert the effect of war. It may not bring war; yet again it may. To this Japan and Russia both appealed; the fittest in this respect won out; and so long as she remains fittest the result promises permanency.

In putting forward these truths of material pressure with a bareness perhaps somewhat brutal, I must not be understood to justify, far less to advocate, the predominance of material considerations over moral. I simply look existing facts in the face, which is in strict accord with my proposed point of view — the Practical Aspect of War; the place of War in the economy of the world which now is, and the possibility of shortly replacing it with some alternative equally efficacious and less detrimental, the world remaining the same. I believe, with full intensity of personal conviction, that when moral motives come to weigh heavier with mankind than do material desires there will be no war, and coincidentally therewith better provision of

reasonable bodily necessities to all men. But the truth still remains as stated by Jesus Christ twenty centuries ago, that between material and moral motives men and nations must commit themselves to a definite choice; one or the other — not both. Ye cannot serve God and Mammon. By His own definition Mammon applies as clearly to the simplest bodily necessities, to the mere food and clothing, as to the grossest insolence of luxury. The question is not of the degree of the devotion, but of the service chosen, of the Master. This will be either the moral motives summed up in the phrase Kingdom of God, or the material. So far as the advocacy of peace rests upon material motives of economy and prosperity, it is the service of Mammon; and the bottom of the platform will drop out when Mammon thinks that war will pay better. The common sense of mankind recognizes the truth of this affirmation. We speak of mixed motives; but we know that, be they two or many, one alone receives true allegiance and will prevail. The others may modify or hamper; to one alone belongs the title "master;" and we have common proverbs and common experience that the service of the moral assures in the end sufficiency of the material.

I believe that the time is coming when conviction of this truth will take place in practice, and that indications of its distant arrival can be seen; but meantime, I now also see in profoundest peace an ignoble struggle, not for enough, but for wanton profusion; motives strictly material asserting themselves unblushingly in mutual conflict for mastery; nay, peace and arbitration advocated on the most purely material grounds. I distrust the spirit of a civilization that would have stopped, if it could, the intervention of the United States between Spain and Cuba. It was a fresh assertion of the superiority of material considerations in a decision essentially moral. That the question was thus regarded I had an interesting demonstration. It happened that I was in Rome at the time war was declared, and dined in company with several of the diplomatic body. "Oh yes," said one of them to me, "it is all very well to talk of sympathy with the Cubans and Spanish misgovernment. The truth is the United States wants Cuba." I inferred this to be the general standpoint. Now, I am particularly qualified to speak impartially as to my countrymen's attitude; for I myself thought if we went to war we had better take Cuba, the military importance

of which to our position has been evident ever since we became a nation. I was out of sympathy with the self-denying resolution of Congress, which in advance pledged us to non-acquisition; but I entirely believe that it represented the predominant feeling in America. In other words, the motive of the war, whether mistaken or not, was moral; and to it therefore material argument should not be addressed. It is non-pertinent; an expression which has a less courteous equivalent.

If it be true, as I have expressed my own conviction, that moral motives are gaining in force the world over, we can have hope of the time when they shall prevail; but it is evident that they must prevail over all nations equally, or with some approach to equality, or else discussion between two disputants will not rest on the same plane. In the difference between the United States and Spain, I suppose the argument of the United States, the moral justification to itself of its proposed action, would be that misgovernment of Cuba, and needless Cuban suffering, had continued so long as to show that Spain was not capable of giving good government to her distant dependency. There was no occasion to question her

desire to give it, the honesty either of her assertions or measures to that end; but it was quite apparent that it was not in her to give effect to her efforts. Now, presuming Spain to take that view, it is conceivable (to the imagination) that her rulers might say, "Yes, it is true, we have failed continuously. The Cubans have a moral right to good government, and as we have not been able to give it them, it is right that we should step out." But, assuming Spain unequal to such sublime moral conviction and self-abnegation, what was the United States to do, as a practical matter? What she did was perfectly practical; she used the last argument of nations as international law stands; but, suppose she had gone to arbitration, upon what grounds would the Court proceed? What the solid pre-arranged basis of its decision, should that be that Spain must evacuate Cuba? Is there anything in the present accord of states, styled International Law, that would give such power? And, more pertinent still, are states prepared now to concede to an arbitral Court the power to order them out of territory which in its opinion they misgovern, or which in its opinion they should not retain after conquest? *e. g.*, Schleswig Holstein, Alsace

and Lorraine, the Transvaal, Porto Rico and the Philippine Islands?

Or, take another impending and very momentous instance, one fraught with immeasurable issues. If I rightly appreciate conditions, there is, among the English-speaking communities bordering the Pacific, a deep instinctive popular determination, one of those before which rulers have to bow, to exclude, from employment in the sparsely settled territories occupied by them, the concentrated crowded mass of mankind found in Japan and China. More than anything else this sums up the question of the Pacific. Two seas of humanity, on very different levels as to numbers and economical conditions, stand separated only by this artificial dyke of legislation, barring the one from rushing upon and flooding the other. I do not criticize an attitude with which, whether I approve or not, I can sympathize; but as I look at the legislation, and contrast the material conditions, I wonder at the improvidence of Australasia in trusting that laws, though breathing the utmost popular conviction and purpose, can protect their lands from that which threatens. "Go home," said Franklin to a fellow colonist in the days of unrest in America, "and tell them to get

children. That will settle all our difficulties." Fill up your land with men of your own kind, if you wish to keep it for yourselves. The Pacific States of North America are filling up, and, more important, they back solidly upon, and are politically one with, other great communities into which the human tide is pouring apace; yet in them, too, labor may inflict upon its own aims revolutionary defeat, if for supposed local advantage it embarrasses the immigration of its own kind. It is very different for those who are severed from their like by sea, and therefore must stand on their own bottom. All the naval power of the British Empire cannot suffice ultimately to save a remote community which neither breeds men in plenty nor freely imports them.

We speak of these questions now as racial, and the expression is convenient. It is compact, and represents truly one aspect of such situations, which, however, are essentially economical and territorial. In long-settled countries race and territory tend to identity of meaning, but we need scarce a moment's recollection to know that race does not bind as do border lines, nor even they as do economical facts. Economical facts largely brought about the separation of America from



Great Britain; economical facts brought about the American Union and continue to bind it. The closer union of the territories which now constitute the British Empire must be found in economical adjustments; the fact of common race is not sufficient thereto. Now, economical influences are of the most purely material order — the order of personal self-interest; in that form at least they appeal to the great majority, for the instructed political economists form but a small proportion of any community. Race, yes; territory — country — yes; the heart thrills, the eyes fill, self-sacrifice seems natural, the moral motive for the moment prevails; but in the long run the hard pressure of economical truth comes down upon these with the tyranny of the despot. There are, indeed, noble leaders not a few, who see in this crushing burden upon their fellow millions an enemy to be confronted and vanquished, not by direct opposition, but by circumvention, relieving his sway by bettering environment, and so giving play to the loftier sentiments. But that these men may so work they need to be, as we say, independent, released from the grip of daily bread; and their very mission, alike in its success and its failures, testifies to the preponder-

ant weight of economical conditions in the social world.

Nor in the social world only. We shall not see aright the political movement of the world at large, the course of history past and present, until we discern underlying all, consciously or blindly, these primitive physical necessities, directing the desires of the peoples, and through them the course of their governments. Rightly do we call them economical — household — for they come home to the many firesides whence their stern exactions have exiled politics and sentiment; and herein, in the weight of struggling numbers, lies the immensity of their strength. Race and country but furnish a means for organizing and fortifying their action, bringing to it the sanction and inspiration of the loftier motives embodied in these consecrated words. But these holy names, while facilitating and intensifying local action, by the same means separate nation from nation, setting up hearthstone against hearthstone. Hence implicit war is perennial; antagonism lurks beneath the most smiling surface and the most honest interchanges of national sympathies. We have but to note the wave of emotion which passed over the United States at the first hint of possible hostilities

with Japan, and the suggestion that the Anglo-Japanese alliance might bring about collision with the two peoples. As far as appeared from all observable signs, the great majority of Americans had sympathized most cordially with Japan in the recent struggle; and I have thought to note clear indications that the American Press was becoming more and more deeply convinced of the common interests which should bring into unpledged accord the general external policies of Great Britain and the United States. It needed only the reading of the treaty to see that its particular obligation would not arise, unless war led the United States to seek to deprive Japan of territory — a most impossible contingency; but not every one has copies of treaties immediately accessible, nor takes the pains to consult them. National sentiment, like family feeling, is a permanent force, the influence of which, thus startled, deflects national sympathy and policy as a magnet does a compass.

Little more than a generation ago, who so dear to Americans as Russia? then perhaps the only European government which, whatever the spring of its motives, cordially sympathized with that of the United States in the War of Secession; how

few her friends in her recent struggle with Japan. It will be said with justice, as well as appositeness, that just such transient indications of the instability of national sympathies, here to-day, there to-morrow, prove the need of arbitration to avert war. Certainly, if no other means can be found. To go to war on questions of mere feeling, or on occasional offence, is far from practical. As a matter of fact, however, such occasions now rarely threaten war. Time to solve them is usually obtained by the ordinary means of diplomacy, and the premature intrusion of a third party is rather an irritation than a help. Not every case of conscience calls for a confessor, nor every dispute for an arbitrator. But where feeling is rooted in permanent conditions, arises from them, and grows with their continuance, or their increase, you have a radically different proposition. Such is the legislation of exclusion considered a few lines back. It rests upon material motives, and acts by the material implements of organized force; and thus acting it is practical (not necessarily right) in aim and in methods. But these methods, whether directed against persons or goods, are essentially war; defensive or offensive, as it may please either race to regard it; and the

popular feeling which underlies is implicit war in a most dangerous form, liable at a breath to bring people to the very verge of hostilities, and that with an impetus very likely to carry them over. It is necessary to recognize that measures of external policy which find their origin in such popular sentiment, or political conviction, present to the government concerned internal problems, as really such as those more commonly so called; and, because internal, they from their very nature cannot be committed to external decision, except that of force. Force, the issue of war, carries with it to the populace a practical weight of conviction, with which no other arbiter can vie. The Monroe Doctrine, indeterminate in scope because it has steadily grown, and of which therefore finality cannot be affirmed, is a matter of external policy; but the national conviction, internal compulsion, would not permit a government, in face of an immediate question, to submit it to arbitration. If, in the absence of any present issue, it were proposed to submit the Monroe Doctrine for definition and limitation to some high Court of Arbitration, to determine whether it should have international acceptance, and how far, I am not qualified to say whether the people of the United States would

acquiesce in their government entertaining the proposal; but sure I am that if any European state should attempt now to annex some part of American territory, the suggestion to arbitrate would be rejected overwhelmingly. Further, such prior determination by a Court would be a precise instance of what I have styled codification — I hope not too loosely.

It is perhaps too anxious a forecast, but one naturally inquires how far this process of international control over quasi-external matters of policy may go; whereunto it may grow? If representations might have been made to Great Britain in 1899 concerning her relations to the Transvaal, taking political and warlike action within a territory of recent acquisition and conditioned sovereignty, shall it go on to suggesting arbitration should there again be Irish insurrection? But, barring such flights of an untempered imagination, how far is arbitration qualified to adjust on solid foundations the political control of regions where strong economical forces are struggling to assert themselves, notably the Pacific? Take the conspicuous instance of the Hawaiian Islands. Their area and resources, to be sure, do not bulk very largely in an estimate of force

simply economical; but their geographical situation gives them great military importance, and so contributes to the determination of that political control which artificially regulates commercial movement and economical relations. The islands are a big factor in the question of the Pacific. Now, by the census of 1900, in a population of 154,000, there were 61,000 Japanese and 26,000 Chinese, between whom there may be assumed a solidarity of interest, for which it is conceivable that Japan under some circumstances might feel induced to stand sponsor. Whatever the reasons then may have been, it is understood that some ten years ago she testified uneasiness at the prospect of American annexation, which since then has taken place. The white population is 28,000. On the other hand, the group is much farther from Japan than from the United States, which cannot but see in them a potential military danger if in the hands of a foreign Power. This is quite as reasonable a cause for uneasiness as the fortunes of what, after all, is a very small fraction, and that an expatriated fraction, of the Japanese people. Let us suppose that by a surprise, like that of the Russian fleet by Admiral Togo, the islands should pass into the

possession of Japan, and that the world should then throw itself between the opponent nations, crying "Arbitrate!" upon what principles would the Court proceed? To what sort of a bargain would either nation be committing itself? Whatever the good-will and integrity of the Court, it would be a leap in the dark; and, for my part, unless the world can absolutely guarantee that there shall never again be war, I do not see how the United States can run the risk of an adverse decision.

It is in ignoring such considerations as those cited in this paper — the general question of the Pacific, the need of Russia for the sea, the requirements of expansion by Germany and Japan, the case of Cuba, the Monroe Doctrine — that rests much of the fallacy of the unconditional advocates of arbitration. They are not looking upon the world as it now is, but upon an ideal, which the future may fulfil but the present has not reached. At a recent gathering an eminent American has said that war decides only which nation is the stronger. If by this was meant, as probably was, that war is not a moral arbiter, does not settle an ethical question, it is incontestable. We should have long outlived the idea underlying the ordeal



of battle, that war is an appeal to the God of Hosts to judge a quarrel. We retain the expression, perhaps; but it is an archaic poeticism, better abandoned because misleading. War now is, and historically long has been, waged on a basis of asserted right or need; and what it does help to determine is that which is known in physics as the resultant of forces, of which itself is one; the others being the economical and political necessities or desires of the contending parties. The other forces exist, aggressive, persistent; unless controlled by the particular force we call war, *in posse* or *in esse*, they reach a solution which is just as really one of force, and may be as unrighteous, and more so, than any war. For instance, except for war, Southern slavery probably would still exist. This is actually the state of the world at the present moment; and while a better balance-wheel than war may be conceived, it is at present doing its work fairly well. The proper temper in which to approach arbitration is not by picturing an imaginary political society of nations and races, but the actual one now existing in this tough old world.

The globe on which we dwell bears witness to us intermittently that it undergoes recurrent processes of adjustment, between conditions un-

evenly distributed and forces in opposition to one another. Doubtless, some time before we settle down to the state of the moon, adjustment will give us a period of stagnation and permanence; but so long as the imprisoned forces are struggling for room, and a balance is not reached, either by the subjection of some or equal opportunity for all, we will have to expect and acquiesce in occasional explosions. To a certain limited extent a third party, man, arbitrates at times, establishing a control of intellect which rather guides than represses. The steam which moves his navies and his railroads is that which mutilates Martinique or blows off the top of Vesuvius. It is much the same with the series of political events which testify to the movement of economical forces. These are more masterful now than two centuries ago, because the popular will which prompts them has emancipated itself from the personal arbiters, the popes, kings, and aristocracies, of the earlier dates. We are, so to say, more directly in contact with the primitive impulses of mankind, and on a grander scale. We can see more deeply what it all means, or may mean; not the whole, nor yet to the bottom, but still more than formerly. The forces are blind, perhaps;

none testify to this with greater conviction than some of those who hope most from the thought of controlling them by arbitration; who by excluding war from the resorts of mankind would expect an adjustment more permanent than that which these forces, unrepressed, but not unmodified, can reach for themselves.

Is the idea practical? Is it more practical than War has proved? The latter is accompanied by an immense waste of energy and of substance. So is steam; yet just now it is the great motor of the world. Economize, doubtless, to the utmost, by bettering your processes. Reduce the frequency of actual war by such measures as may be practicable; but simultaneously and correlatively make it more efficient, and therefore less wasteful of time and of energy. At present this is being done generally, and is probably more immediately practical to the repression of war than any methods of arbitration can soon be made. Do not lose sight of the fact that all organized force is in degree war, and that upon organized force the world so far has progressed and still progresses. Upon organized force depends the extended shield, under which the movements of peace advance in quietness; and of organized force war

is simply the last expression. To law and to beneficence organized force supplies the instrument, which the body gives to the spirit. Europe has well nigh reached a condition of internal stability, but she has reached it by war and she maintains it by preparation for war. The wants of mankind have been the steam of progress; they have not merely turned the wheels of the engine, they have burst the bonds of opposition and enabled the fitter to enter upon the unimproved heritage of the unfit. Where such bonds still exist, there must be a conflict of forces, and it passes the power of mere intellect with legal theories of justice and injustice, of prescriptive rights, to keep the contest within bounds, unless it can bring to its support physical aid. The one practical thing to hold it in abeyance is that the several forces, including military power, should show what is in them by the adequacy of their development.

If with wealth, numbers and opportunity, a people still cannot so organize their strength as to hold their own, it is not practical to expect that those to whom wealth and opportunity are lacking, but who have organizing faculty and willingness to fight, will not under the pressure of need enter

upon an inheritance which need will persuade themselves is ethically their due. What, it may be asked, is likely to be the reasoning of an intelligent Chinese or Japanese workman, realizing the relative opportunities of his crowded country and those of Australia and California, and finding himself excluded by force? What ethical, what moral, value will he find in the contention that his people should not resort to force to claim a share in the better conditions from which force bars him? How did the white races respect the policy of isolation in Japan and China, though it only affected commercial advantages? I do not in the least pronounce upon the ethical propriety of exclusion by those in possession—the right of property, now largely challenged. I merely draw attention to the apparent balance of ethical argument, with the fact of antagonistic economical conditions; and I say that for such a situation the only practical arbiter is the physical force, of which war is merely the occasional political expression.

In the broad outlook, which embraces not merely armed collision, but the condition of preparation and attitude of mind that enable a people to put forth, on demand, the full measure of their physical

strength,—numerical, financial and military,—to repel a threatened injury or maintain a national right, War is the regulator and adjuster of those movements of the peoples, which in their tendencies and outcome constitute history. These are natural forces, which from their origin and power are self-existent and independent in relation to man. His provision against them is War; the artificial organization of other forces, intrinsically less powerful materially, but with the advantage which intelligent combination and direction confer. By this he can measurably control, guide, delay, or otherwise beneficially modify, results which threaten to be disastrous in their extent, tendency, or suddenness. So regarded War is remedial or preventive.

I apprehend that these two adjectives, drawn from the vocabulary of the healer, embody both the practical and moral justification of war. An ounce of prevention is worth a pound of cure. It will be well that we invoke moral power to help heal the evils of the world, as the physician brings it to bear on the ills of the body; but few are prepared to rely upon it alone. We need material aid as well. The dykes of Holland withstand by direct opposition the natural mission of the North

Sea to swallow up the land they protect. The levees of the Mississippi restrain and guide to betterment the course of the mighty current, which but for them would waste its strength to devastate the shores on either hand. These two artificial devices represent a vast expenditure of time, money, and energy; of unproductive labor so-called; but they are cheaper than a flood. The police of our great cities prevent the outburst of crime, the fearful possibilities of which manifest themselves on the happily rare occasions when material prevention has from any cause lapsed. The police bodies are a great expense; but they cost less than a few days of anarchy. Let us not deceive ourselves by fancying that the strong material impulses which drive those masses of men whom we style nations, or races, are to be checked or guided, unless to the argument of a reasonable contention there be given the strong support of organized material power. If the organized disappear, the unorganized will but come into surer and more dreadful collision.





# **IV**

## **WAR FROM THE CHRISTIAN STANDPOINT**



## WAR FROM THE CHRISTIAN STAND- POINT

By ALFRED T. MAHAN, U. S. N.

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IN considering my subject, — War from the Christian point of view, — I assume that the test to which the idea of War is to be brought, and by which resort to it is to be justified or condemned, is to be sought in the acts and teaching of the Divine Founder of Christianity, our Lord Jesus Christ, and in the writings of those His immediate followers and Apostles that are accepted by the Christian Church as part of the revelation divinely inspired, and to her committed. For this discussion I recognize no other standard, however apparently exalted and humane. Such other standard may to some seem higher than that of Christianity, but it is not the Christian standpoint. I admit, of course, that any inferences of my own, drawn from the standards I accept, however con-

clusive they may be to myself, are, like all human reasonings, subject to dispute by others; and that even the general consensus of Christian opinion through long ages, though powerful in cumulative effect, is not to be considered final, for I am not aware of any authoritative utterance of the Church in the matter.

In approaching the consideration of War from the Christian standpoint, one is immediately confronted with the fact, to which he must address himself, that there exists at the present day in many of the Christian community an uneasy feeling that War, because of the painful incidents attending it, cannot in any way or in any degree be reconciled with the profession and practice of Christianity. This feeling, let me say in passing, is, in my opinion, not of Christian origin, but has rather been imported into and imposed upon Christianity by those alien to its beliefs, or defective in their tenure of them. Christianity deplores War as *an* evil; it does not, as exemplified by its highest exponents, reject it as necessarily evil. The most conspicuous apostles of the extreme position in condemning War are not now Christian believers. In illustration of this remark I would cite on the one hand Herbert Spencer, Frederic

Harrison, and John Morley; on the other the present Bishop of Durham,<sup>1</sup> whose position in deprecation of War appears to me as advanced as is consistent with conservative recognition of Christian authorities.

This feeling, that War is irreconcilable with Christianity, if it becomes conviction, rejects implicitly the proposition that War is remedial; for, so far as this proposition is true, viz., that War is a remedy for greater evils, especially moral evils, War is justified. War, in short, is justified as an element of human progress, necessitated by a condition of mankind obviously far removed from Christian perfection, and, because of this imperfection, susceptible of remedy.

This, in brief, is my proposition. It does not commit me to the position that War is in all circumstances justified as a means of redressing wrong, nor to the defense of wars of any particular character. Dynastic wars, wars of conquest, wars clearly unrighteous, with these I have nothing to do. I affirm merely the general proposition: that in the present imperfect and frequently wicked state of mankind, evil easily may, and often

<sup>1</sup> The late Bishop Westcott, who has died since this paper was read.

does, reach a point where it must be controlled, perhaps even destroyed, by physical force; and if the evil-doer has the means to resist, and does resist, by force, the obligation to destroy the evil, and the evil-doer, if need be, still exists. The result then is War.

I do not appear before you, therefore, as an apologist for War, in the modern colloquial sense of the word "apology." I do not feel myself hampered by any uneasy distrust of the soundness of my cause. I affirm that War, under conditions that may and do arise, is righteous; and, further, that under such conditions it is distinctly an *unrighteous* deed to refrain from forcibly redressing evil, when it is in the power of thine hand to do so.

On the other hand, to clear the ground of bootless discussion, I admit willingly that War is — not evil — but *an* evil; a very different thing. Amputation is an evil, but it is not evil. I admit that, were the universal world living a life of Christian perfection, War would be unnecessary and wrong; and, finally, as the world is doubtless progressing, I gladly concede the duty of minimizing the frequency of War.

At the same time, I grievously suspect some of

the modern suggested substitutes for the arbitrament of War, and notably that of *obligatory* resort to a court of arbitration. I conceive that, on the one hand, the sense of nationality is still too strong; and on the other, that the interests and sympathies of peoples are too intertwined, by the present closeness of communication, to admit of impartiality. Where would have been found an impartial arbitrator in the late war in South Africa? The whole world seethed with bias on the one side or the other. What do most think of the impartiality of the arbitration tribunal — for such it was — which decided the election to the Presidency of the United States between Hayes and Tilden, in 1877?

I have affirmed that under some conditions it is unrighteous not to use force to the extent of War. It will be asked, What conditions — from the Christian standpoint? In reply, I apply St. Paul's words: "Whatsoever is not of faith — of conviction — is sin."<sup>1</sup> For the nation, as for the individual, conscience must be the judge; nor, in my judgment, is the national conscience justified in turning a case over to arbitration until it is satisfied that the matter is such that the decision

<sup>1</sup> Romans, xiv, 23.

either way will not violate its conscientious conviction of right.

It is not needless to remark how grave a burden of obligation this lays upon citizens who are alive to Christian obligation, to exhaust the spiritual privileges of prayer, and of power with God, which He has given to them. It is not needless to say this; for, while I have seen much utterance upon recent questions of national interest, often fierce denunciation, clerical and lay, of one thing I have been privileged to see little; and that is the calm reminder, clear of all political expression, that the prayer of Christians can certainly obtain from on high the guidance of the national conscience. No check on an unrighteous war can equal this.

It will be objected to me — and accurately — that so far I have only given the standard by which the justice of a war is, in my opinion, to be decided, from a Christian standpoint; that I have quietly assumed and affirmed, — not proved, — that War is *ever* justifiable from a Christian standpoint. This is true; I proceed to this argument.

There are certain contentions with which I presume an audience like this will not expect me to deal. For instance, that War is forbidden by the



commandment, "Thou shalt not kill," taken arbitrarily out of an extensive code which elsewhere commands the killing of men for several specified offenses. Or again, that the imagery of the Bible is to be pressed into service: that our Lord Jesus Christ is the "Prince of Peace;"<sup>1</sup> oblivious of the other image that "In righteousness He doth judge and make War."<sup>2</sup> Again, there are arguments for the permissibility of War, to professing Christians; for example, the failure to condemn it, either explicitly, or by clear inference, or to require abandonment of their profession by converted soldiers, such as the centurion Cornelius.<sup>3</sup> These, being familiar, I shall not repeat.

Nor do I adopt for my own the argument of the virtues developed by War: self-sacrifice, endurance, etc. Like the sufferings of War, these are to my mind incidental, not of the essence. Neither do I accept the view of some respectable authorities, that War is a final appeal to the judgment of God. On the contrary, this directly traverses my own position, which is, that, a case

<sup>1</sup> Isaiah, ix, 6.

<sup>2</sup> Revelations, xix, 11-13

<sup>3</sup> Acts, x.

of possible war arising, God has given us a conscience, with revealed data, and necessary faculties for decision; I, therefore, should no more expect enlightenment as to His judgment upon the case, by recourse to War, than I should by tossing a penny. The one method no more than the other has the sanction of His Word; indeed the casting of the lot has the greater, though insufficient, sanction. The last instance of resort to this means,<sup>1</sup> in order to ascertain God's will, preceded the giving of the Holy Ghost.

War is the employment of force for the attainment of an object, or for the prevention of an injury. If the object be wrong, the action is also wrong; here is no question. But how if the object be right? Does our Lord, do His Apostles, by act or by word, teach or imply that it is wrong to use force to attain a righteous end? By their teaching, is such use of force *always* the doing evil that good may come?

I think not; personally, I am sure not. Non-resistance to evil is one of the leading traits of our Lord's character; the fact emphasizes the significance of His use of force, not on His own behalf,

<sup>1</sup> Acts i, 24 - 26.

to expel the sacrilegious from the Temple.<sup>1</sup> He is the Lamb dumb before the shearer, who also forbids railing accusations; yet from His lips issue the words, "Go ye and tell that fox;"<sup>2</sup> and, "Ye serpents, ye generation of vipers!"<sup>3</sup>

The one positive act of the expulsion of the money-changers, for which I am not aware that He had the warrant of official authority, indorses the use of force upon due occasion, notwithstanding His numerous utterances in favor of generally opposite conduct. But these latter also, in my judgment, have been much twisted from their true significance by neglecting to take into account those other words of His own, "It is the spirit that quickeneth, the flesh profiteth nothing;"<sup>4</sup> or, as St. Paul has it, "The letter killeth, the spirit giveth life."<sup>5</sup> Stripped of such qualification, the commands, "Give to him that asketh thee,"<sup>6</sup> "Resist not evil,"<sup>7</sup> would, even in individual con-

<sup>1</sup> S. Matthew, *xxi*, 12; S. Mark. *xi*, 15; S. Luke, *xix*, 45; S. John, *ii*, 15.

<sup>2</sup> S. Luke, *xiii*, 32.

<sup>3</sup> S. Matthew, *xxiii*, 33.

<sup>4</sup> S. John, *vi*, 63.

<sup>5</sup> 2. Corinthians, *iii*, 6.

<sup>6</sup> S. Matthew, *v*, 42.

<sup>7</sup> S. Matthew, *v*, 39.

duct, in the present imperfect conditions of the world, result in transferring all property to the idle and all control to the vicious.

Our Lord's utterances against the use of force would, I apprehend, be found to fall under two principal divisions, the exemplars of which would be: (1) "Resist not evil, him that will take thy coat forbid not to take thy cloak also;"<sup>1</sup> and, (2) "Put up thy sword within its sheath,"<sup>2</sup> "My kingdom is not of this world."<sup>3</sup>

As regards non-resistance to evil, it seems to me certain that these commands, at most, are to the individual Christian, as concerning his own individual rights and their vindication. There is in them no warrant to surrender the rights of another, still less if he is the trustee of those rights. This applies with double emphasis to rulers, and to nations; for these, in this matter, have no personal rights. They are guardians, trustees, and as such are bound to do their best, even to the use of force, if need be, for the rightful interest of their wards.

Personally I go farther, and maintain that the

<sup>1</sup> S. Matthew, v. 39-41.

<sup>2</sup> S. John, xviii, 11.

<sup>3</sup> S. John, xviii, 36

possession of power is a talent committed in trust, for which account will be exacted;<sup>1</sup> and that, under some circumstances, an obligation to repress evil external to its borders rests upon a nation, as surely as responsibility for the slums rests upon the rich quarters of a city. In this respect I call to witness Armenia, Crete, and Cuba; without, however, presuming myself to judge the consciences of the nations who witnessed without intervention the sufferings of the first two.

On the point before us: As regards the use of force in municipal regulation, St. Paul is explicit: "The ruler beareth not the sword in vain, for he is a minister of God, an avenger to execute wrath upon him that doeth evil."<sup>2</sup> But if the evil-doer, through numbers or otherwise, is strong enough to oppose effective resistance, is the ruler then to sheathe his sword? Assuredly not, in principle; and in practice only if conscience affirms that it is best for the state. Here you have War, — internal war; civil war perhaps, or a mob ruling the city. If, now, the evil-doer — the aggressor, or the oppressor — be not within your borders, but without, in what is the variation of

<sup>1</sup> S. Matthew, xxv, 14 - 29.

<sup>2</sup> Romans, xiii, 4.

principle? The sword again must defend the right, and you have external War.

Suffering follows: wounds, death, bereavement, economical distress, anxieties multifold. Concerning these things, they are a large part of the account; but awful as they are, and to be taken into account, they are not the essence of the matter. Shall the nation do right, and suffer? or do wrong, and be at ease? What would be the answer of Him who commanded not to fear the destruction of the body, as compared with that of the soul? Is militarism really more deadening to the spirit than commercialism? or than legalism?

As regards the utterances of our Lord which apparently discourage resort to force: "Put up thy sword," and "My kingdom is not of this world, for if it were then would my servants fight," they have doubtless had upon the minds of men an effect that is in direction just; but disproportioned, and disregardful also of qualifying words and circumstances.

The close of our Lord's career on earth introduced into the energizing of the Christian dispensation changes of a momentous character, to which He frequently alludes. Thus, before His passion, "*I* was not sent, but unto the lost sheep of the

house of Israel;”<sup>1</sup> after His resurrection, “Go ye, and make disciples of *all* the nations.”<sup>2</sup> Again, “Unless I depart, the Comforter will not come unto you;”<sup>3</sup> this, with all the far-reaching consequences of the coming of the Holy Ghost, is familiar to us all. We are less apt to remark, but it bears strongly on the subject of War from the Christian standpoint, the strictly analogous utterance: “*Now*, he that hath no sword, let him sell his cloak and buy one; *for*, the things concerning Me have an end.”<sup>4</sup> The spiritual things concerning Him ended not then, nor since; but, unless the sword was to be bought for ornament, not for use, the use of it in the approaching stage of His dispensation is recognized, — nay, authorized. Those who have read Mozley’s “Ruling Ideas in Early Ages,” may recall the just emphasis laid by him upon the necessity, not merely of permitting, but of enjoining practices which the present times require, yet which after times under the guidance of God may outgrow; explicitly the personal obligation of the individual Avenger of Blood. Our Lord, contemplating His death, did not merely

<sup>1</sup> S. Matthew, xv, 24; Romans, xv, 8.

<sup>2</sup> S. Matthew, xxviii, 19.

<sup>3</sup> S. John, xvi, 7.

<sup>4</sup> S. Luke, xxii, 36, 37.

countenance, but commanded the provision of the sword, and with it, by legitimate implication, the use of it. St. Peter, by misunderstanding of our Lord's purpose and necessary death, and prematurely — because the end was not yet — used the sword wrongfully, and was rebuked;<sup>1</sup> but the general command was not rescinded.

Further, the full force of this remarkable command will scarcely be realized, unless we view it in connection with the reference which He Himself made to its antecedents. "When I sent you without purse, and scrip, and shoes,<sup>2</sup> lacked ye anything? And they said, nothing. Then said He unto them, But *now*, he that hath a purse let him take it, and likewise his scrip: and he that hath no sword, let him sell his cloak and buy one; for the things concerning Me have an end."<sup>3</sup>

On the first mission of the Twelve, under the dispensation of His presence in the flesh, our Lord had specially directed them to go without the preparations which men ought normally to make as a matter of mere prudent provision; they were then to rely, under the dispensation of the moment,

<sup>1</sup> S. John, xviii, 10, 11; S. Matthew, xxvi, 52-54.

<sup>2</sup> S. Luke, x, 4; S. Matthew, x, 9, 10.

<sup>3</sup> S. Luke, xxii, 35-37.



upon a Providential care beyond the common — supernatural. On this second occasion He directs them to neglect no ordinary precaution, but, for the probable emergencies of life, to rely upon usual human provisions. Among these, by express command of the sword, He clearly recognizes the need of, and sanctions the resort to, self-defense by arms; and that in the fullest sense consistent with righteousness. Nor is it without significance that He places the need of the sword before that of a garment; useful, if not indispensable. And again, it is not without significance that the authority of the sword and the gift of the Holy Ghost coincide in date; for with the Holy Ghost comes the illumination of the Christian conscience, to which the power of the sword can securely be committed.

As regards the words, "My kingdom is not of this world," they are, if rightly understood, as true now as ever. St. Paul after the Lord's departure reaffirmed, "The weapons of our warfare are not carnal."<sup>1</sup> In physical coercion of material evil the sword acts within its sphere; it has no power over intellect, or moral assent, nor should it dare to assume such power. Attention,

<sup>1</sup> 2 Corinthians, x, 3, 4.

however, fails to observe that our Lord's consecutive expression accepts without implication of rebuke the probable course of an earthly state, confined, in redressing evil, to earthly weapons. "If My kingdom were of this world then would My servants fight, that I should not be delivered unto the Jews."<sup>1</sup> Every independent state is a kingdom of this world. Its subjects, or citizens, if confronted by the prospect of innocent blood being shed, or of their Ruler being slain (their government destroyed), are justified in resisting by force. Material evil-doing would be met by physical force, and our Lord intimates no condemnation. He who knew all things, and could at will summon twelve legions of angels,<sup>2</sup> understood what the case demanded, and could properly refrain from what after all, had He summoned them, would have been the use of force supernatural; just as He abstained in His temptation from supplying His wants by His supernatural power.<sup>3</sup> He willed at His betrayal to allow violent evil to work its will; for He and He alone, then knew that in the counsels of God it

<sup>1</sup> S. John, xviii, 36.

<sup>2</sup> S. Matthew, xxvi, 53.

<sup>3</sup> S. Matthew, iv, 3-7.

was determined that that was the hour of the Powers of Darkness.<sup>1</sup>

Such knowledge we do not possess. We have our natural faculties; we have the revelation of God's will in the Bible; and we have the promise of the Holy Ghost for guidance. We have, further, the sword committed to us for a present distress, which in the recent light of Armenia, of Cuba, and of China, it is not too much to affirm has not yet passed away. These are our leading data; upon which, as to action, conscience must reach its decision, and issue its mandates.

If I am asked what are we to think when two consciences, both presumably equally honest and Christian, reach opposed conclusions as to right and wrong, I am not concerned, in reply, to give definitions. It is sufficient in such cases simply to recognize the fact, upon which turns all St. Paul's argument in Romans xiv.: "To him who accounteth anything to be unclean, to him it is unclean." Such a one, individual or nation, must obey his conscience. To this dilemma of conscience as to War, Peace presents a close analogy of its own. In the Providence of God, or through the weakness of man, the most successful govern-

<sup>1</sup> S. Luke, xxii, 53.

ment is that carried on by communities of free men, of which it is a commonplace that a healthy opposition, the clash of parties, conscientiously differing, is an inevitable feature. The why of this may be an interesting philosophical speculation; but for practical purposes we need only to recognize the fact. The case is precisely analogous to that of two nations warring for a principle; of which our own history furnishes an illustration in the war between the North and the South. The marriages most successful in the development of a complete union are doubtless those where the virtues of one complement the defects of the other; but in such cases there is necessarily counter-action as well as accord. Honest collision is evidently a law of progress, however we explain its origin; whether that be in the ordinance of God, or in the imperfection of man.

**V**

**THE CAPTURE OF PRIVATE PROPERTY  
AT SEA**



## THE CAPTURE OF PRIVATE PROPERTY AT SEA

BY JULIAN S. CORBETT

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“**A**S things stand at present,” writes Professor Perels in the last edition of his *Internationale Seerecht*, “we cannot count on the exemption of private property at sea from capture in the near future. The main factor is that the British Government since the Declaration of Paris has maintained an attitude of persistent and determined resistance to all movements for reforming the laws of maritime warfare.” Publicists of almost all countries, including our own, have been expressing themselves in similar terms, and we are warned by some of our best international lawyers that there is growing up abroad a mass of hostile opinion on the subject which it is unsafe for us to ignore. Professor Perels’ words conveniently focus for us that alleged mass of opinion,

and since he was formerly Admiralitätsrath and is now Departements Direktor in Reichs-Marine Amt and Professor in the Berlin University, we may take his formula as something like our official arraignment at the bar of Europe. But before examining the charge with a view to preparing a defence it is wise at once to enter a claim to vary the indictment. We do not deny the "persistent and determined resistance." We merely beg to submit that our "persistent and determined resistance" has been "to all movements for reforming the laws of maritime warfare *in the interests of the great military States.*"

It is true that some of our most respected authorities would persuade us that the exemption of private property at sea from capture is particularly to our own interests, because we possess the largest, and therefore, as they assume, the most vulnerable mercantile marine, and because we rely for our sustenance more than any other nation on seaborne supplies. But this is a military question, on which our publicists are not safe guides. It involves strategical considerations, which clearly they have not taken into account, and their view is not shared by the Navy. It is a view, however, which is seriously urged by



serious people, and we must return to it. For the present it is enough to claim that the leading facts in the history of the movement create a *prima facie* case that exemption is for the benefit of weak fleets and powerful armies. Started originally by a French abbé, the idea was first embodied in a treaty by Frederick the Great, a man who had had practical experience of how gravely the vulnerability of commerce at sea may affect the progress of a Continental war. When he was in alliance with Great Britain it did not occur to him to make the suggestion. It was the newborn Republic of America that proposed it to him; and he wisely agreed, since the arrangement made it impossible for the United States ever to make war on him at all. Similarly, the United States was wise to get the sanction of so great a figure to the principle of immunity, since her budding commerce was always at the mercy of her one enemy so long as capture was permitted. With material advantages so great and obvious in hand it can convince nobody to talk of lofty and disinterested ideals.

Next it was Napoleon who put forward the new doctrine, and sought to establish it by the revolutionary violence of his "Continental System." In 1866, Austria, cooped up in the head of the

Adriatic by the menace of a superior Italian fleet, declared for it. Italy, similarly threatened by France, had already done so. Again, in 1870 Prussia magnanimously intimated that, true to the sublime principles of Frederick the Great, it was her intention, whatever France did, to treat as sacred all innocent private property at sea.

When the buffalo found the lion in his path, he exclaimed, with a superb gesture, "For my part, I mean to remain true to my vegetarian principles."

Now to examine the charge more seriously and with what temper we can. For it must be understood that our friends abroad make their accusation opprobriously. We are represented as standing in the way of human progress, of obstructing for our own selfish ends the march of civilization, of seeking to perpetuate the methods of barbarism, of thwarting the disinterested aspirations of nobler nations to mitigate the severity of war and humanize its practice. And all this because, as they say, we refuse to complete the work of the Declaration of Paris by consenting to give to private property at sea that complete sanctity which it is unblushingly alleged to enjoy in warfare on land. So shocking does such depravity sound that in many

cases our serious and high-minded journalism, which is so dear to us, is beginning to ask, in its most moving and conscientious tones, if we are to be the last of all nations to recognize this sacred duty to humanity.

Were it not that this particular attitude towards the question was so ludicrous it would be difficult to treat it with patience. Such a charge against ourselves is peculiarly hard, seeing that we have to our credit a record in respect of the mitigation of war which no nation can pretend to rival. There is no nation that can point to such a concession to the public opinion of the world against interest as we made in consenting, in 1856, to the doctrine of "Free ships, free goods." At the time it was widely regarded, and is still so regarded, as depriving us of one of the most powerful weapons in our armory; and yet for the sake of goodwill amongst nations, for the sake of softening the hardships of war to neutrals, we surrendered that right. For centuries we had clung to it as essential to the maintenance of our sea power; yet a higher and more farsighted wisdom pressed for the almost quixotic sacrifice, and it was done. Can any nation show a sacrifice beside it? Let him who can cast the first stone at us now.

To add to the unreasonableness of our accusers, instead of acknowledging handsomely the lengths to which we went on that occasion, they rail at us because we will not extend the principle to the complete immunity of private property at sea. As though the one principle had anything to do with the other. "You might as well say," said Sir William Harcourt during a debate on the point in 1878 — and surely he, whether as a Liberal humanitarian or an international lawyer, should carry weight enough — "You might as well say that the extension of the Great Western Railway would be an extension of the Great Northern. They do not go in the same direction, they have not the same object, they are not parallel in any respect." Nothing can serve better for clearing the subject of fallacies and exhibiting the true grounds of the British attitude than to follow out the line of reasoning which the great international jurist indicated in opposing the idea on that occasion.

If the ideas which determined the status of private property in war be traced back to the dawn of modern international law, we shall find Grotius, in 1625, and Bynkershoek a century later, giving as an axiom the right to confiscate or destroy

all property whatsoever belonging to an enemy wherever found. The axiom was quickly modified by Vattel, who wrote during the Seven Years' War. While admitting the abstract right, he maintained that its exercise should only be permitted as far as it is called for by the purposes of war. Here we have the first application of the true theory of war to the question. We make war not for the purpose of doing the enemy all the harm we can, but to bring such pressure to bear upon him as will force him to do our will — that is, will convince him that to make peace on our terms is better than continuing to fight. Now, the indiscriminate plunder of private property and its wanton destruction, while causing an immense amount of individual suffering, do not contribute in the most forcible way to the kind of pressure that is needed. Consequently, it had already become the practice for an invading enemy to treat private property with a certain respect, or rather, perhaps, economy, and to endeavor to set some restraint upon its indiscriminate plunder and destruction.

It is to this movement is due the oft-repeated but wholly unfounded assertion that private property ashore, unlike private property at sea,

has been made generally immuné from capture. It is further asserted that this immunity was due to a growing sense of humanity and a Christian desire to mitigate the horrors of war. Now, this is the kind of assertion which makes plain and practical people impatient with international law and blinds them to its value and reality. It is just one of those expressions which jurists let slip from a mere habit of the pen. Of this particular statement, that the restrictions in question were due to a growing sense of humanity, there is no real evidence whatever. Humanity may have been a contributory cause, but, if we turn from the loose expressions of jurists to the dry light of the orders actually promulgated by invading generals, we see at once that the real reason of the restrictions was strategical and military, and not moral at all. Take, for instance, the earliest case as typical — the rule of Gustavus Adolphus against plundering: "If it is so please God that we beat the enemy either in the field or in his leaguer, then shall every man follow the chase of the enemies; and no man give himself up to fall upon the pillage so long as it is possible to follow the enemy," etc. This germ idea that pillage actually lessens your power to exert the necessary pressure was

further developed by the rules of Frederick the Great; but he took a long step further. For that great master of war recognized not only that pillage demoralized and weakened the weapon with which the pressure had to be exerted, but that pillage and destruction were not the most profitable or effective ways of exercising your rights over the enemy's property. To deprive the enemy's people of their power to produce was both to destroy the value of your conquest and its power of maintaining your troops. To protect the goose and enable her to continue laying her golden eggs was the only sound policy. He therefore insisted on the method of exercising his war right by levying contributions and making requisitions. By this means he at once maintained the temper of his weapon and made the pressure of the occupation more lasting, more powerful, and more directly coercive to the collective life of the enemy. To say that he abandoned his right over enemy's property is to play with words. "If an army is in winter quarters in an enemy's country," he writes in his *General Principles of War*, "the soldiers receive gratis bread, meat, and beer, which are furnished by the country." And again: "The enemy's country is bound to supply horses for the

artillery, munitions of war, and provisions, and to make up any deficiencies of money." The truth is that no restraint of the old rule of Grotius and Bynkershoek is to be found that does not operate to the military or strategical benefit of the belligerent, not one that does not directly increase the pressure which the invading force is seeking to exert to achieve its end. The principle reached its clearest expression during the Franco-German war, where it was absolutely essential to German success that they should not goad the French people into guerilla warfare, as Napoleon had done in Spain, by permitting irresponsible exercise of belligerent rights over private property. By the German orders of 1870 no requisition could be made except by general officers or officers in command of detached corps.

The system worked admirably, and, on the whole, as mercifully and with as little individual suffering as is possible in war. The object of an invasion — the means by which it exerts the necessary pressure — is to produce a stagnation of national life. This the German invasion did effectively, and the stagnation grew deeper and more intolerable the more it was prolonged, till submission was recognized to be the lesser evil. But



all this was not done merely by the victories of armies. It was done by the exercise of belligerent rights over enemy's property: of the right to seize and consume it; of the right to control roads and railways and inland waters, so as to prevent its flow and render commerce impossible except in so far as it suited the belligerent; and of the right to carry military execution against it in case of resistance by its owners. Without the right to requisitions and contributions, without the right to control civil communications, it could not be done. War, as is universally admitted, would become impossible. Nations cannot be brought to their knees by the mere conflict of armies, any more than they can by the single combats of kings. It is what follows victory that counts — the choking of the national life by process of execution on property, the stagnation produced by the stoppage of civil communications, whether public or private.

Here is a picture of what the process meant, drawn by the able pen of a man who saw it face to face in 1870:

“ In occupied towns officials receive no salaries, professional men no fees. The law courts are closed. Holders of house property can get no

rent. Holders of land can neither get rent, nor can they cultivate the soil or sell their crops. The State funds pay no dividends, or, if they do, all communication between occupied and unoccupied districts being broken off, the dividends cannot be touched. Railway dividends are equally intangible, and perhaps the line on which the shareholder has especially counted is in the hands of the enemy."

This is what conquest of territory means — the prostration of the national life; and this is why conquest of territory is the means by which land warfare seeks to gain its end.

With this picture in our minds of the way in which private property is dealt with ashore, and the way in which it is made to contribute to the victor's object, let us turn to the sea, and inquire in what manner its treatment there is less moral, less human, or less necessary, if war is to be waged at all. To begin with, we note that in some respects private property has never been so badly treated at sea as it has been on land; at least, in modern times and in regular warfare it has never been the subject of indiscriminate plunder. The ruthless scramble for loot, which led to the acutest

suffering and cruelty ashore, was no part of sea capture. Prizes were taken by orderly act of war, were regularly condemned, and the proceeds divided amongst the captors in cool blood and by authority. Again, at sea immediate military execution was never the penalty for resisting interference with private property, as it always was, and in some cases still is, ashore. The real reason why capture at sea got a bad name was due to privateers, by whom the greater part of it was done, and who in some areas, and particularly in the Mediterranean, were often guilty of unspeakable horrors. The evil was early recognized by Great Britain, and during the Seven Years' War an Act was passed forbidding the granting of commissions to vessels under a certain tonnage, in order to ensure that the work should be done by respectable merchant captains, and not by mere smugglers and pirates. It is not, of course, pretended that this law was made from merely philanthropic reasons, any more than was our concession about "free ships, free goods." Though a sense of honor did enter into it, the chief reason was that we found ourselves unable to control the lawlessness of small privateers, and felt that neutrals, whom we did not wish to exasperate, had a legiti-

mate cause of complaint. Now the abuse is no longer possible, since the Declaration of Paris abolished privateering. Over and above this great mitigation of the hardships of warfare against private property at sea, there must also be taken into consideration the spread of the practice of marine insurance, which now distributes the initial loss by individuals over the general capital of the nation. The result is that even the most convinced advocates of the change, both at home and abroad, admit that the argument from inhumanity is untenable. The Lord Chancellor, himself our strongest advocate of reform, has plainly declared that "no operation of war inflicts less suffering than the capture of unarmed vessels at sea."

The truth is that the sea service, in demanding the retention of its right to general capture, asks no more than what is universally granted to the land service. It asks no more than to exercise war rights over property in so far as, in the words of Vattel, it is called for by the purposes of war — in so far as the pressure necessary to bring peace cannot be exerted without it. It asks only to be allowed to produce that stagnation of the enemy's life at sea which an army is permitted to produce

ashore by conquest of territory. And how can such stagnation be produced? Not by conquest, for conquest of the sea is impossible. The sea cannot be the subject of ownership. You cannot do more, however complete your ascendancy, than deprive your enemy of his use of the sea; you can do no more than deny him that part of his national life which moves and has its being on the sea. This is what we mean when we speak of "command of the sea," and not "conquest of the sea." The value of the sea internationally is as a means of communication between States and parts of States, and the use and enjoyment of these communications is the actual life of a nation at sea. The sea can be nothing else, except a fishing-ground, and fishing is comparatively so small a factor in war nowadays that it may be eliminated from the question. All, then, that we can possibly gain from our enemy upon the sea is to deny him its use and enjoyment as a means of communication. Command of the sea means nothing more nor less than control of communications. It occupies exactly the same place and discharges the same function in maritime warfare that conquest and occupation of territory does in land warfare. If one is lawful and necessary,

so is the other; if both are lawful and necessary, then each connotes the legality and necessity of the means by which alone the condition of stagnation can be brought about.

At sea this condition is produced by dealing with private property on exactly the same principle as on land — that is to say, in the most economical and effective manner. By its capture and conversion to the use of the navy we make it contribute directly to the force and economy of our weapon, and by an orderly system of prize regulations we do it without in any way demoralizing our *personnel* or goading the enemy's people to irregular retaliation. By no other means can we do what ashore is done by contributions and requisitions — that is, by no other means can we make enemy's property serve to a merciful and speedy end to hostilities. By this means also we control the enemy's communications, we paralyze his sea-borne commerce, we sever him from his outlying territory. By no other means can we mercifully and effectively deprive him of all the sea can give him, and produce the state of stagnation of his maritime life that conquest of territory does of his life ashore. By the victories of fleets alone it can no more be done than by the victories of armies.

If, then, in this way we test the doctrine of immunity of private property in the cold light of the theory of war — if we keep in mind that war consists of two phases — firstly, the destruction of the enemy's armed forces, and, secondly, of pressure on the population to produce stagnation of national life, we see the answer to our great military neighbors is complete. When they ask us to abandon the right of capture of private property at sea — of dealing with it, that is, in the most merciful and effective way for achieving the purposes of war — we reply, We will do so when you abandon the right of requisition and contribution. And when they ask us, as in effect they do, to give up the right of controlling sea communications, we reply, We will do so when you give up the right to control roads, railways, and inland waters. If they go further — as they fairly may — and ask, "What about the hardship of detaining the crews of captured merchantmen?" we answer, "We will abandon that means of stopping your commerce also, when you abandon forced labor of the civil population ashore." It is all a *reductio ad absurdum*. Without the exercise of such rights both conquest of territory and command of the sea become nugatory and war impossible.

But our opponents may reply, We do not ask you to give up control of communications. We would leave you commercial blockade. But is this what they mean? It is true that many of them except commercial blockade from their claim, but what the Lord Chancellor demands is entire exemption of private property, "unless really contraband or its place of destination be a beleaguered fortress." This, of course, amounts to a complete prohibition of our right to control communications except for the purpose of destroying the enemy's armed forces. It prohibits it for the purpose of the secondary process of pressure, and is entirely inadmissible. The Chancellor's meaning is at least perfectly clear. What is difficult to believe is that those who express themselves less roundly can really mean anything else. Let us examine what the position of these men leads to. In effect they say, We admit your abstract right to capture private property at sea, but deny that its general capture on the high seas is necessary for the purposes of war. This point of view is so plausible that it has highly commended itself to our own advocates of immunity. Ignoring the whole theory of maritime warfare, that it is a mere question of controlling communications,



they argue as though all we could gain from general capture on the high seas is the paltry value of the goods seized. It was just Lord Granville's attitude at the momentous meeting of the Secret Committee of the Council on the eve of the Seven Years' War, when, on the question of whether admirals at sea should be ordered to seize French merchantmen, he declared he was against "vexing your neighbors for a little muck." If we regard the mere value of the property captured, this is true enough. It represents no more than the captor's attempt to subsist his fleet on the sea he commands, as ashore an army is subsisted on the territory it conquers. But the attempt never leads to much. The best we can do at sea by a complete conversion of all we can lay hands on is but a trifle compared with what is gained ashore by the process of contribution, requisition and forced labor. It is, indeed, not a little hard that the military Powers should scold us for nibbling this sorry crust when they habitually gorge themselves on baskets of loaves.

But though intrinsically the capture of property on the high seas has an almost negligible military value, as a deterrent its value is beyond measure. For it is an essential part of the process of destroy-

ing the enemy's commerce by control of sea communication. Blockade alone — even if blockade in the old sense were still possible — will not do. In their best days blockades were never thoroughly effective. It is the feeling that a ship and her cargo are never safe from capture from port to port that is the real deterrent, which breaks the heart of merchants and kills their enterprise. But this is a point on which all may not agree. It matters little, for it is not the one that is fatal to our reformers' claim.

The fatal point is this — that if you admit the only form of blockade that is possible under present conditions, and refuse the right of general capture, you establish a law so unfairly advantageous to Great Britain that no other Power could possibly be expected to assent to it, and we ourselves would certainly not have the effrontery to propose it.

The current conception of effective blockade is that agreed upon between England and Russia in 1801: the port blockaded must be watched by ships anchored before it or stationed sufficiently near to make egress or ingress obviously dangerous. All countries have adopted this idea. But this was before the days of torpedoes. The idea was, as

actually expressed in certain Dutch treaties, that the blockading ships should be as close in as was compatible with safety from the enemy's coast defence. The defence in those days was guns. But what now of mobile defence? Is a blockading fleet entitled to be so far out as to be beyond torpedo-boat or destroyer range? If so it must be completely out of sight, and egress and ingress cannot be manifestly dangerous, and the blockading squadron must be cruising far from the port and far from territorial waters. If such distant and invisible blockade is not to be recognized as effective, then effective blockade is now impossible, and no means of controlling sea communications remains except general capture. It follows, then, that if the Continental Powers admit our right to control communication and deny us general capture, they must recognize such distant blockade as effective and lawful.

Now let us see how the law would work. In the case of war with France (which, being the most unlikely one, may be taken with least offence), it would be admissible for us to station a squadron, say, off Yarmouth and stretch a chain of cruisers from the Lizard to Cape Ortegal, and declare a blockade of the whole of the French Atlantic

and Channel ports. Then, after due notice, every neutral and every Frenchman leaving a French port or consigned to one that appeared on the scene would be liable to be captured and sent in for judgment for attempted breach of blockade. The same liability, moreover, by the law of ultimate destination, would attach to such ships *in transitu* in any part of the world. In the case of Russia or Germany a similar situation could be set up still more easily, assuming we had once obtained a working command of the sea. On the other hand, it would be practically impossible for all these three Powers combined to set up such a situation against us; unless, indeed, in the unimaginable eventuality of their being relatively strong enough to maintain a blockading chain from Finisterre through the Faroes to the coast of Norway. It is a pure question of geography. If, then, the doctrine of permitting blockade in its sole possible form and refusing general capture were adopted, we could always paralyze the ocean-borne commerce of any of the great military Powers, while they, being unable to blockade effectively, and not being allowed to make prizes on the high seas, could not possibly touch ours. It is not to be believed that your well-meaning

advocates of justice between nations can really intend an arrangement so grossly unjust. Clearly there is but one alternative — either you must leave the law as it is, or adopt the candid proposal of the Chancellor and abolish capture of private property altogether, saving only contraband and military blockade. And what the Chancellor's proposal would mean must be kept clearly in mind. It would permit us to deal with private property for the purpose of overpowering the armed force of the enemy, and deny us the right to use it for reaping the fruit of success.

Turning now from the Continental Powers to America, we find that the best naval opinion there is entirely with us. The contention on which we rely is really this — that the right to capture merchantmen and their cargoes does not depend on the primitive right over enemy's property so much as on the right and necessity of controlling our enemy's communications. Let us see how it is treated by Captain Mahan, who, above all men, by his genius and learning is entitled to give judgment. His declaration is the more remarkable because America has always been the most prominent champion of immunity and the most ardently convinced that in advocating the reform she was

upholding the cause of civilization, humanity, and justice. This belief with the mass of the people has survived her taking rank as a great naval Power, and must be treated with respect. For all their practical plain sense the Americans are idealists at heart, more so, perhaps, than any other people, and it therefore required no little courage and the deepest conviction for Captain Mahan to stand up and tell his countrymen their feeling of magnanimity was false, mistaken, and contrary to plain sense and justice. Yet so he does in his latest work *The War of 1812*, calmly, cogently, and without flinching. In that work he discloses a ripe study of the theory of war which none of his others contain in the same degree — and for the full development of that theory, be it remembered, we are indebted mainly to the Germans themselves — and here is the result of its application to the question before us:

“ The claim for private property [he says] . . . involves a play upon words, to the confusion of ideas, which from that time [that is, from Napoleon’s Continental System] to this has vitiated the arguments upon which have been based a prominent feature of American policy. Private

property at a standstill . . . is the unproductive money in a stocking hid in a closet. Property belonging to private individuals, but embarked in the process of transportation and exchange, which we call commerce, is like money in circulation. It is the life-blood of national prosperity, on which war depends, and as such is national in its employment, and only in ownership private. To stop such circulation is to sap national prosperity, and to sap prosperity, on which war depends for its energy, is a measure as truly military as is killing of the men whose arms maintain war in the field. Prohibition of commerce is enforced at will when an enemy's army holds a territory. If permitted it inures to the benefit of the conqueror. . . . It will not be doubted that, should a prohibition on shore be disregarded, the offending property would be seized as punishment. . . . The seizure of enemy's merchant ships and goods for violating the prohibition against their engaging in commerce is what is commonly called the seizure of private property. Under the methods of the last two centuries it has been in administration a process as regular legally as is libelling a ship for an action in damages; nor does it differ from it in

principle. The point at issue is not 'Is the property private?' but 'Is the method conducive to the purposes of war?' Property strictly private on board ship, but not in process of circulation, is for this reason never touched, and to do so is considered as disgraceful as a common theft."

He then proceeds to justify on these grounds the consistent attitude of the British Government, and to remind his countrymen that, had their ideas prevailed in 1861, there could have been no blockade of the Southern coast and the Union could only have been maintained at the cost of hundreds of thousands more lives, if, indeed, it could have been maintained at all.

It is easy, of course, to dismiss Captain Mahan's theory of private property at sea being national in its employment as mere casuistry, but that will not serve. The truth it expresses will remain. We have a moral and indefeasible right at sea as well as on land to prohibit and stop, so far as we can without cruelty or unnecessary hardship, the flow of enemy's commerce, on which her resources for war depend as truly as they do upon armies and fleets. If private men in the face of



this admitted right choose to ignore the state of war and still embark their property in commerce, they do so with their eyes open and must not complain of the consequences. Let them keep their property quiet at home and it will not be touched — at least by the sea service.

There still remains to be dealt with the argument upon which our own idealists chiefly rely. It is an argument to which allusion has been made already, but has nothing to do with morality, justice, or humanity. For though it is obvious between the lines that our advocates of reform are as sincerely moved as the Americans by an ideal of Christian progress, Briton-like they do not talk about it. With us such things are felt, not spoken. We prefer to offer material, selfish reasons for the faith that is in us, and consequently our idealists argue that the recognition of the sanctity of private property at sea would be a distinct military advantage to ourselves, and, moreover, as is also usual in such cases, that if we do not seize the opportunity to recognize it now it will not occur again. "I trust," says the Lord Chancellor, referring to President Roosevelt's proposal to have the thing settled at the coming Hague Conference:

“ I trust that his Majesty’s Government will avail themselves of this unique opportunity. [How familiar is the phrase ! ] I urge it not upon any ground of sentiment or humanity (indeed, no operation of war inflicts less suffering than the capture of unarmed vessels at sea), but upon the ground that on the balance of argument, coolly weighed, the interests of Great Britain will gain much from a change long and eagerly desired by the great majority of other Powers.”

So, then, it is for military reasons that we are to consent to have the teeth pulled upon which we have relied for so many generations, and to “ abandon in great measure,” as Captain Mahan has put our case, “ the control of the sea, so far as useful to war.” Let us, then, frankly examine these military reasons which the Lord Chancellor sets forth for they are not at once convincing. Indeed, it is obvious that the Lord Chancellor has not brought to bear upon the subject the profound study of war with which his great predecessor, Lord Hardwicke, enlightened our councils during the Seven Years’ War. We might even beg seriously that before he gives the weight of his high reputation and exalted office any further to

the movement he would read and re-read that masterly series of letters which the greatest of the Chancellors addressed to the Duke of Newcastle and others during the most successful war we ever waged.

The main military or strategical argument that is urged is that, as we have the greatest amount of private property afloat, and rely more than anyone upon commerce for our resources, we stand to lose most by the maintenance of the existing law. "Our merchant marine," says the Chancellor, "is vulnerable in proportion to its size and ubiquity." This is a tremendous assumption, natural enough to one who has made no study of the realities of war; but we may venture to assert that it is one which our naval staff would certainly hesitate to endorse. To point out its fallacy completely would require a whole excursus on the British ideas of commerce protection, and possibly the disclosure of matters which the Admiralty had better keep to itself. But plain sense will suggest difficulties in accepting this very common view. Everyone must know that a cruiser's capacity for destroying commerce is not unlimited. How very limited it is the Chancellor clearly has not well considered. A cruiser can scarcely take more

than one ship at once, and to overhaul and ascertain the nationality of a ship takes time. She cannot, moreover, be in two places at once, and the sea is wide. To reach a station where she may safely begin her operations (unless we have entirely lost command of the sea) she will burn coal — she will want plenty to get back again; the time, consequently, during which she can pursue her depredations is very limited indeed. These simple matters, so real to naval officers, are usually ignored by civilians. The broad truth is that if we look at the matter from the point of view of practical warfare, and not pure mathematics, we shall see that there is at least a case for the opposite of the Chancellor's postulate. The greater the bulk of commerce, the more difficult does it become to make any serious impression upon it. The greater the bulk, the larger will be the percentage that is beyond the utmost predatory capacity of the enemy's fleet. Thus it is at least arguable that the invulnerability of the mass of sea-borne commerce increases with its bulk and ubiquity. To carry the matter further is impossible in this place. It must suffice to have pointed out that the Chancellor's postulate cannot be swallowed whole until it has been well seethed

in salt water. In the process it might entirely change color.

Take, again, another similar argument. "The principal necessities of England's Navy," writes Professor Sheldon Amos, "are to protect her commerce, defend her coasts, and overpower the enemy: it is obvious if the Navy could be relieved of any one of these functions, so much the more disposable it would be for the efficient discharge of the other two." Here, of course, we are even further from salt water than with the Chancellor; but the passage, teeming as it does with error, has been seriously quoted abroad. How do the Professor and those who complacently cite him imagine that we can defend our coasts without defending our trade, or do either without overpowering the enemy? It is all one — all a matter of getting control of the common communications. Unless and until we do that we have not overpowered the enemy, and we have not gone the best way about defending our coasts and commerce. Casual cruising against our commerce we can ignore, if necessary, in the process of getting control, so small nowadays is the reach and capacity of cruisers and so great the bulk of our commerce. As for serious fleet attacks upon it, we

can desire nothing better. It is all very well to talk of overpowering the enemy, of seeking out the enemy's fleet and destroying him, but for this he must let you get at him. That was always our great difficulty; and there is no means so good for making him expose himself as attacking his commerce with your fleet and tempting him to attack yours with his. If our commerce were made as sacred from capture as an ambassador it would give little or no relief to our battle fleets, while, on the other hand, if we were denied the right to attack enemy's commerce we should lose the one sure and rapid means of forcing his battle fleet to a decision.

This brings us to the final part of the argument. It is freely contended that while the immunity of sea-borne commerce would greatly relieve the strain of defence, it would scarcely affect our power of attack. The grinding power of offence which we exercised by attack on commerce in the old wars is recognized, or not denied. But it is asserted that since Napoleonic times, when these wars came to an end, the conditions have entirely changed. The change has taken place in two ways. Firstly, by the Declaration of Paris we are no longer able by general capture to prevent

the enemy's commerce being carried in neutral ships; and, secondly, it is contended that the vast development of inland communications has made Continental nations practically independent of sea-borne trade — that is, in so far as exerting pressure to compel peace is concerned. Here again we have two of those breezy generalizations which trip so gaily from the pens of international jurists, as though they were not laden and tangled with a nexus of practical considerations, complex and indeterminate to the last degree, and entirely beyond even approximate measurement. They seem airily to neglect the fact that the capacity of neutral shipping and of inland communications is not unlimited, and to ignore the well-known difficulty of forcing trade to flow healthily out of the channels into which it has settled itself. Neutral ships are always fairly well full of their own business, and if you suddenly throw upon them the extra work of even one considerable mercantile marine, they will either be unequal to the task or freights must leap up to a seriously disturbing degree. The case of railways and inland navigation is treated with even a less appreciation of what actually happens in war. The capacity of railways is even less elastic than that of neutral ships.

In peace time their carrying capacity, for plain reasons of business, is seldom much beyond the traffic which accrues in supplying the actual necessities of the nation, and to calculate that with the intolerable extra strain that is always thrown upon them by the paramount exigencies of a great war they would still be able to deal with an equivalent of the normal sea-borne traffic is simply to ignore universal experience and the elementary facts of commerce. Even were it possible in any reasonable time to get land communications to bear all their ordinary peace traffic as well as the war traffic and that of the paralyzed mercantile marine, the dislocation of national life and action must at least produce so great a shock to trade, industry, and, above all, credit as to be a strategical blow of the highest order. It is at least a possibility of drastic offence that we, who are so weak, and must always be so weak in the means open to the great military Powers, cannot afford to forego.

I know it is argued by some of our most respected and earnest journals that our position and the peace of the world would gain a real solidity by the sacrifice, and a real motive for the growth of armaments would be removed, because we should thereby demonstrate that our Navy is meant



only for defence. But that is a point incapable of demonstration, simply because it is not true. Our Navy is under certain circumstances intended for offence. Such circumstances, happily, are remote, but it is sheer fatuity to think they cannot possibly arise. Not only is no real and crushing defence possible without attack, but in cases where we are the injured party and no redress can be had except by war, then direct offence is necessary. It is a distasteful subject, above all to the higher Liberalism, where the desire to unarm is keenest. But it has to be faced, and must be faced without false sentiment, as Sir William Harcourt faced it in the great debate already cited :

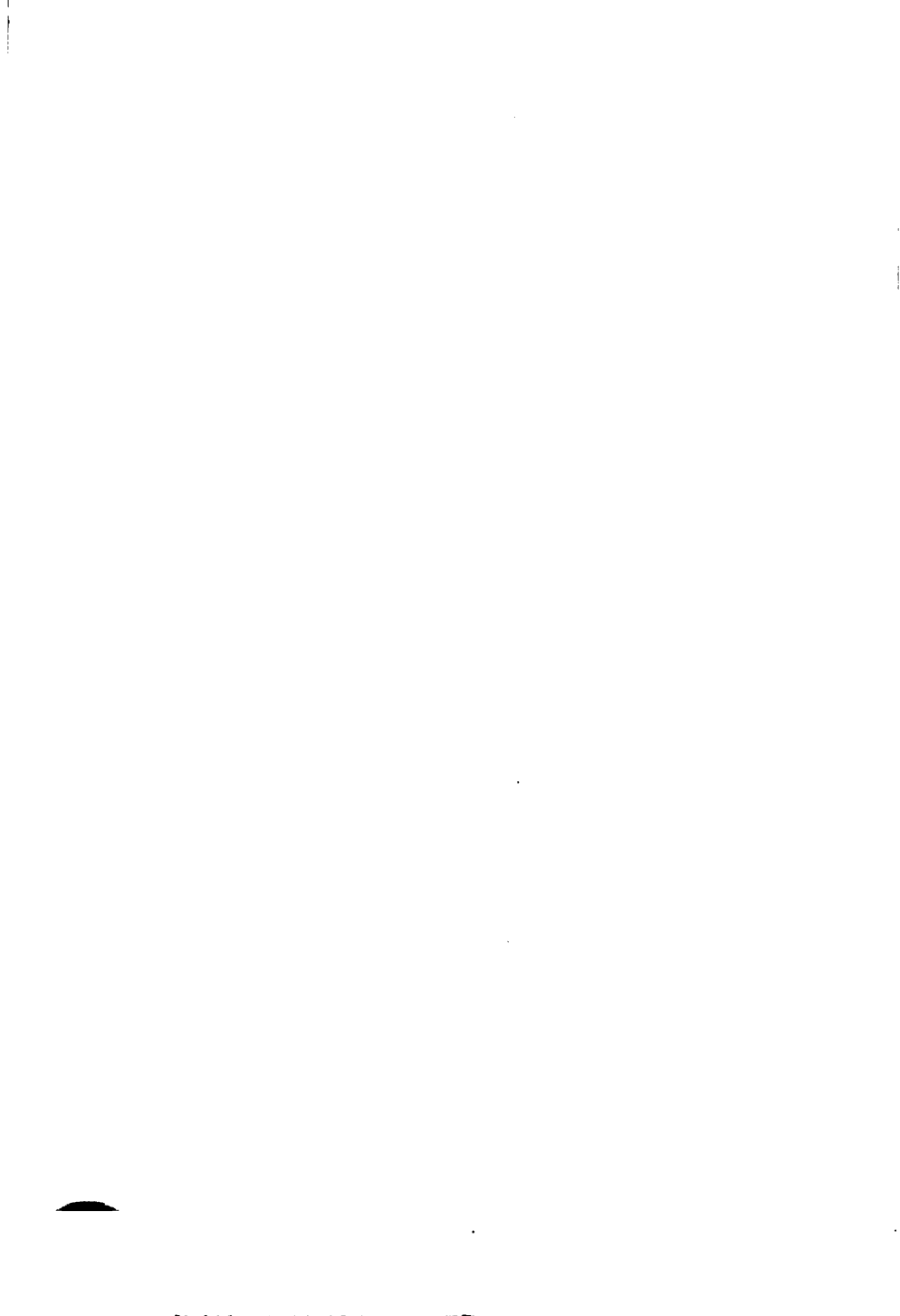
“ There is only one security [he said] for a great naval Power : as far as you can and as soon as you can to sweep the enemy from the seas. Not only must we preserve our right to fight against the navy of our enemy, but to capture all the ships it possesses and all the means it possesses by which we may be attacked. It is the legitimate arm of this great Empire — the arm by which we defend our extended Empire. I go a great deal farther. There is no security in war unless we are strong for offence as well as defence.”

It is true. We cannot make ourselves stronger

for defence or for doing our part in preserving the peace of the world by casting away our most trenchant and well-approved weapon. It was not the custom at King Arthur's Court for his knights to equip themselves for their holy quests by discarding their spears and trusting to shield and dagger.

In conclusion, it is necessary to enter a protest against one other argument, which is too often advanced by the advocates of immunity, and particularly from commercial centres. Failing to see they have involved themselves in a question which is mainly one of strategy and war-plans, and unable to grasp the force of the naval objection, they do not scruple to suggest that the opposition of naval officers arises from their desire for prize-money. It is to be hoped they scarcely grasp how wanton an insult they offer to a great and honorable Service and how deeply the suspicion is resented. No one in touch with the ungrudging devotion of the modern naval officer could believe for one moment that he would permit so sordid a consideration even to color the advice he gave his country on so high a matter. It is intolerable the slander should be repeated as often as it has been. Prize-money has nothing whatever to do with the

matter. Many officers indeed are of opinion that for the good of the Service alone the system should be abolished. There might be cases in time of war, as there were in days gone by, when prize-money might warp a man's sense of duty. Therefore, they say, let it go — to whom you will. What is good for the Service is good enough for us. Chambers of commerce may find difficulty in appreciating the depth and reality of the sentiment. Could they but do so they would never permit the prize-money argument to sully their petitions again. The reason why naval officers urge with heart and soul the retention of the old right of capture is because they know not how to make war without it, nor can any man tell them.



## **VI**

### **THE HAGUE CONFERENCE: THE QUESTION OF IMMUNITY FOR BELLIGERENT MERCHANT SHIPPING**

of "private" property, a haze of misunderstanding has been thrown over the whole subject, investing it with the proverbial fallacy of a half-truth. The property undoubtedly is private in ownership; but this is only a part, and the smaller part, of the issue involved.

This misconception has doubtless been furthered by the fact that maritime capture, as practised during the last great maritime wars, and still allowed by international law, is the direct descendant of piracy. As an argument against an existing condition, this circumstance is really no more valid than the fact that men are descended from apes — if so they be; but it is, nevertheless, telling. If we could distinctly remember, either personally or historically, men in the state of apes, it could not but affect involuntarily our way of looking at men now; we might at least be more humble. Concerning seizure of property at sea, the race has kept a continuous traditional knowledge of its early methods, with a resultant impression of its principles. The day when, as well in peace as in war, a strange sail was more likely than not to be an enemy in intention, whom you would have to fight in order to preserve your good and your life, was perpetuated nearly to our own times.

Piracy at sea is the seizure of property by persons unauthorized by a national authority, even though the owner be an enemy and the time one of war. Before national regulation was instituted, this had been a universal condition, an era of free fighting, when every merchantman was prepared to turn robber if occasion offered. The tendency remained after regulation had become a well-defined system, because evasion of the law and of its ministers was facilitated by the slowness with which intelligence of marauders could be transmitted, even throughout a limited area like the Caribbean Sea; and the imperfections of maritime police, at a period when national cruisers were preoccupied with strictly belligerent operations, gave additional impunity. Privateers also, though regulated vessels, under bonds to a national authority, were nevertheless out simply for what they could make; and the conditions which favored piracy weakened the hold of responsibility upon them. Kidd began as a suppressor of piracy the career which ended on the gallows. While the majority of captains and owners in the later days were men of integrity, no more inclined than the average business man to take a dishonest advantage, there were doubtless many entirely unscrupulous,

whose only test in opportunity was the danger of detection; and the very habit of appropriating another man's property by main force, however lawful and subject to subsequent legal procedure, doubtless fostered a disposition to irregular acquisition. Although a recognized — and, indeed, a necessary — use of national resources for a national exigency, privateering inherently and historically had a tendency towards piracy, and piracy is but another name for robbery. The brutal excesses associated with the word were only incidental accompaniments of the practice, the essence of which was the taking of property without due authorization of law.

The payment of prize money, upon which of late years has fastened much of the odium cast upon maritime capture, no doubt also derives in some measure from the days of piracy. To privateering, however, it had another distinct relation. It was a necessary incident, calculated to stimulate private exertion, unremunerated otherwise, to come to the help of the state and to weaken the enemy. In the beginning the pirate took the goods when and as he pleased; but the regulated privateer sent his prize into port. If an enemy, there had to be at least formal condemnation and



partition; while if a neutral, arrested for transgressing international obligations, the decision of a prize court was essential to the validity of the transaction. In both cases there was not only seizure of property, but subsequent appropriation to the seizer. The process differed in nothing from any other legal condemnation, except that the goods for the most part went to the individual, not to the state — a circumstance not without analogies, such as the share of an informer; but attention has fastened somewhat exclusively upon the gain of the captor, and the violence, actual or potential, by which he obtained the property of the captured. In this has been seen the gist of the transaction; precisely as in war itself, to which such capture is an incident, attention has fastened upon the overt use of organized force to accomplish a political end, wholly oblivious of the fact that the whole security of society — itself the end of all politics — rests upon force so efficiently organized, and so unassailable in power, that it rarely has to appear. Such force is so quiet in operation that its very existence is overlooked. All the same, it is paid for in the shape of legal machinery, from the single policeman to the last court of appeal; just as international peace is largely secured and

paid for by the military machinery, from the private soldier up to the sovereign authority of the nation, in which rests the awful power to set the wheels in motion.

Prize money thus became to popular apprehension the exponent, as it were, of maritime capture in war. It summed up the ethics, and the practical aspect, of the system from which it derived — a curious inconsequence, but extremely human. Prize money was the robber's gain, maritime capture the robber's trade, the sufferer the robber's victim. The property was styled "private," and was regarded in no other aspect even by men who were, or from their occupation and knowledge should have been, perfectly conscious of the economical difference between property in rest and property circulating in commercial exchange; men who understood the financial dependence of a state upon the commerce maintained by its citizens, and who knew that there is practically no such thing as private — individual — losses distinguished from the loss of the community to which the individual belongs. Logically, of course, there is such a distinction; but practically it seems strange, at this late day of economic discussion, to hear losses by maritime capture spoken

of as individual losses which will not substantially affect the community — the state. Lord Palmerston is quoted triumphantly as saying that no powerful country was ever vanquished by losses to individuals. Yet we are continually being told that it is an economic commonplace that there is no such thing as one state deriving real advantage by entailing disadvantage upon its neighbor; the community of states being such that what one member suffers recoils more or less upon each of the others. To transfer this statement to a community of individuals is reasonable and obvious. The loss of one is the loss of all; and this, with curious inconsistency, will be admitted at a later stage of the argument, pointing out the extensive range of individuals interested in, and injured by, maritime capture — the producer, the transporter, the handler, the broker, the merchant, the banker — no one of whom may be the owner of the particular property seized. Last of all it might be added, were not the argument too double-edged, and drives too close home to serve the purpose, the national treasury suffers. As between the belligerent nations, the loss of one may be the loss of both; but it is the proportion of loss and the power to bear loss which deter-

mine the balance of war and the settlements of peace.

All this seems to me to be obvious, and I trust I may be fortunate enough to make it more obvious in the course of this paper; for it certainly is not at present sufficiently so to those who write on the other side. "To the average mind," says one, "the proposition that private property on sea should be treated on the same basis as private property on land seems almost self-evident." Passing without remark for the present the circumstance that private property on land is by the momentary conqueror treated precisely as to him seems expedient for the purposes of the war, the alleged self-evidence is such as can be reached in any case where all circumstances of difference are overlooked or ignored. No doubt the average mind is content to accept superficial resemblance, and to inquire no more; but it might be asked of a teacher to go so far beneath the surface as to recognize the fundamental difference between a dollar in a stocking and a dollar in circulation. This also is obvious, though not superficial; and the "private property" embarked on merchant vessels is private property — money's worth — in circulation. Transportation is accumulative circu-

lation; and, from a clear military point of view, the object aimed at, by the method of seizing vessels and cargoes at sea, is to stop the increase of the enemy's wealth by circulation, by stopping the transportation of his goods, of whatever character. This is the essence of the matter; the fact of the property being private in ownership is a mere incident; and in making it the forefront of the argument lies the fallacy which has misled its supporters as to the principles at stake. The question of expediency is another and different consideration, which must be otherwise treated.

History furnishes us abundant illustration of the divergent status and effect of property at rest and property in circulation, in peace as well as in war. In America now, at each recurrent harvest, the question of transportation, of circulating the products of the ground, gives rise to anxious discussion, carried far into the realms of high finance as bearing upon the national prosperity. Without transportation, the farmer's crop becomes his dollar in the stocking; rather worse than better, inasmuch as for his wants coin is better than barter. Were the country at war, and the enemy hoped to increase embarrassment by denying transportation, is it to be supposed that he would not, to the

extent of his power, order the railroads to stop carrying? If disobedience ensued, is it likely that the offending property would not be confiscated? Is not property continually liable to confiscation, partial or total, for breach of law? But the farmer's ploughs, and other agricultural implements, his household furniture, all his property unavailable for circulation, and therefore essentially "private," would not be touched; nor is the corresponding property of individuals at sea liable now to seizure. Not being embarked for circulation — for commerce — it is truly private, and for long over a century has been strictly respected.

In war the career of Napoleon has furnished a striking evidence of the effects of stopping circulation. I find, in the argument of an advocate of immunity for "private property" at sea, the statement that "Napoleon was not overthrown by the commercial losses of French merchants, but by the battle of Waterloo." Doubtless many causes contribute to each result, and in the apportionment of weight differences of opinion must arise; but I should say that foremost among the causes of Napoleon's fall was the fact that to the products of France, so wealthy in her fields, vineyards, and manufactures, circulation was

denied by the fleets of Great Britain. The cessation of maritime transportation deranged the entire financial system of France, largely dependent upon foreign custom. She could neither raise revenue nor borrow; both money and credit were wanting. That these conditions existed is historically certain, as is also that they reacted upon the government in financial embarrassment. This in turn provoked the Continental System, not merely for retaliation, but to compel Great Britain to peace; and the attempt to enforce compliance with the Continental System led to the war with Russia and to the subsequent uprising of Europe against the Emperor. Meanwhile, great as was Napoleon's passion for war, sheer need of money had driven him on to recurrent hostilities, the successful issue of which enabled him in some degree to recoup his treasury by direct assessment,—war indemnities,—and indirectly by quartering his armies indefinitely upon the conquered. This was for him only a partial alleviation, it is true, but it was something. It alone, in some small part, could compensate for the paralyzing loss of revenue caused by the cessation of maritime transportation; and the enemy enforced this privation by the seizure of "private property" at sea. As for Water-

loo, however decisive as a particular battle, it was but the last blow of a series — the capping stone of the misfortunes of 1812-14. The downfall of Napoleon was due to the fact that for a series of years he had been wasting his armies, the manhood of France, her human capital, in unsuccessful attempts to restore her finances and to compel Great Britain to cease from capturing private property at sea. Recall Metternich's words to him in 1813: "Sire, I have seen your soldiers; they are children."

The instance is extreme, but in extreme illustrations demonstration is most apparent; and, though extreme, it is not unparalleled. It is not likely, indeed, that we shall again see so predominant a naval power as that of Great Britain then. Let us, however, before quitting this part of the subject, note that the United States, by the same instrumentality, and by the operation of the same causes, was in 1814 forced to abandon all the contentions for which in 1812 she had gone to war. She possessed in abundance the raw material of wealth, but there was no circulation. The corn, cotton, and tobacco were harvested, and there they remained, piled up, but unavailable. "Our finances are in a deplorable state," wrote Monroe,



the Secretary of State. "The means of the country have scarcely been touched, yet we have neither money in the Treasury, nor credit." "Even in this State [Maryland] the Government shakes to the foundation." Why? Because the transportation of private property by sea, whether coast-wise or foreign, was successfully prohibited by the enemy.

Fifty years later the Southern Confederacy suffered in like manner from the naval power of the Union — to it as extreme and irresistible as that of Great Britain had been to Napoleon. The vast store of wealth locked up in its cotton-fields was unavailable, because denied transportation. To analyze and demonstrate the precise character and amount of the effect thus produced upon the fortunes of the Confederacy would be a work of minute and protracted examination, the material for which probably exists; but it is scarcely rash to affirm that the embarrassment caused by the depreciation of the currency and the emptiness of the Treasury, permeating all classes of the community, had a dissolvent effect not only upon society, but upon the armies. In this connection I venture to support my argument by the high authority of Mr. Charles Francis Adams, himself

a soldier, not a seaman, in the War of Secession. In his appreciative address upon General Lee at the centennial birthday of that great captain, he markedly affirms the decisive effect of the blockade — the “air-pump,” to use his apt simile — which was enforced by seizing the “private property” that sought to violate it. Lee himself is quoted. “Thousands of our soldiers are barefooted, a greater number partially shod, and *nearly all* without overcoats, blankets, or warm clothing;” and later, in the dead of winter, “Further dependence upon abroad can result in nothing but increase of suffering and want.” Better conditions of transportation and finance would have protracted the war, and subjected the endurance of the North to a test it might have been unable to meet. Let it be recalled that before Vicksburg, two years before Lee’s surrender, General Grant was troubled with doubts as to the effect of further disappointments upon the Northern people. It is no rash claim that both Napoleon and the Confederacy were overthrown mainly by measures which depended for their energy upon the seizure of “private property” upon the seas. This needs to be clearly indicated, for another advocate of immunity, on “self-evident” grounds, has affirmed

that "in the American Civil War the Confederate commerce was blockaded at every port, but it was the victory of the Union army which decided the contest." The destruction of the Confederacy's intercourse with the outer world, like some deep-seated local disease, poisoned the springs of life, spreading remorselessly through innumerable hidden channels into every part of the political frame, till the whole was sick unto death.

The essence of the question involved in the seizure of "private property" at sea is transportation; and with three such conspicuous instances within a century its effectiveness is historically demonstrated. The belligerent state, in the exercise of a right as yet conceded by international law, says in substance to its adversary, "I forbid your citizens the maritime transportation of their commercial property. Articles of whatever character, including the vessels which carry them, violating this lawful order will be seized and condemned." Seizure is made contingent upon movement; otherwise the property is merely bidden to stay at home, where it will be safe. All this is in strict conformity with the execution of law under common conditions; and the practice is now regulated with a precision and system consonant

to other legal adjudication, the growth of centuries of jurisprudence directed to this particular subject. Its general tendency I have indicated by certain specific instances. It is efficient to the ends of war, more or less, according to circumstances; and by distributing the burden over the whole community affected it tends to peace, as exemption from capture could not do. If the suffering of war could be made to fall only on the combatants actually in the field, the rest of the nation being protected from harm and loss by the assured ability to pursue their usual avocations undisturbed, the selfishness of men would more readily resort to violence to carry their ends.

In support of the widespread effects of interruption to transportation, I gladly quote one of the recent contentents for immunity of "private property" from maritime capture. Having on one page maintained the ineffectiveness of the seizure, because individual losses never force a nation to make peace, he concludes his article by saying:

"The question interests directly and vitally thousands of people in every country. It is of vital importance to those who go down to the sea in ships, and those who occupy their business in

great waters. It appeals not only to every ship-owner, but also to every merchant whose goods are shipped upon the sea, to every farmer whose grain is sent abroad, to every manufacturer who sells to a foreign market, and to every banker who is dependent upon the prosperity of his countrymen."

I can do little to enhance this vivid presentation by an opponent; yet if we add to his list the butchers, the bakers, the tailors, shoemakers, grocers, whose customers economize; the men who drive drays to and from shipping, and find their occupation gone; the railroads, as the great common carriers, whose freights fall off; the stockholders whose dividends shrink; we shall by no means have exhausted the far-reaching influence of this intermeddling with transportation. It is a belligerent measure which touches every member of the hostile community, and, by thus distributing the evils of war, as insurance distributes the burden of other losses, it brings them home to every man, fostering in each a disposition to peace.

It doubtless will not have escaped readers familiar with the subject of maritime prize that so far I have not distinguished between the interruption

of transportation by blockade and that by seizure on the high seas. The first, it may be said, is not yet in question; the second only is challenged. My reason has been that the underlying military principle — and, as I claim, justification — is the same in both; and, as we are dealing with a question of war, the military principle is of equal consideration with any other, if not superior. The effect produced is in character the same in both. In efficacy, they differ, and their comparative values in this respect are a legitimate subject for discussion. In principle and method, however, they are identical; both aim at the stoppage of transportation, as a means of destroying the resources of the enemy, and both are enforced by the seizure and condemnation of “private property” transgressing the orders.

This community of operation is so evident that, historically, the advocates of exemption of private property from confiscation in the one case have demanded, or at the least suggested, that blockade as a military measure cannot be instituted against commerce — that it can be resorted to only as against contraband, or where a port is “invested” by land as well as by sea. This was Napoleon’s contention in the Berlin Decree; and it is worthy

of grave attention that, under the pressure of momentary expediency, the United States more than once, between 1800 and 1812, advanced the same view. This I have shown in my history of the War of 1812.<sup>1</sup> Had this opinion then prevailed, the grinding blockade of the War of Secession could not have been applied. If we may imagine the United States and the Confederate States parties to a Hague Conference, we can conceive the impassioned advocacy of restricted blockade by the one, and the stubborn refusal of the other. This carries a grave warning to test seeming expediency in retaining or yielding a prescriptive right. There is no moral issue, if my previous argument is correct; unless it be moral, and I think it is, to resort to pecuniary pressure rather than to bloodshed to enforce a belligerent contention. As regards expediency, however, each nation should carefully weigh the effects upon itself, upon its rivals, and upon the general future of the community of states, before abandoning a principle of far-reaching consequence, and in operation often beneficent in restraining or shortening war.

It has been urged that conditions have so

<sup>1</sup> Vol. i. pp. 146-148.

changed, through the numerous alternatives to sea transport now available, that the former efficacy can no longer be predicated. There might be occasional local suffering, but for communities at large the streams of supply are so many that the particular result of general popular distress will not be attained to any decisive degree. Has this argument really been well weighed? None, of course, will dispute that certain conditions have been much modified, and for the better. Steam not only has increased rapidity of land transit for persons and goods; it has induced the multiplication of roads, and enforced the maintenance of them in good condition. Thanks to such maintenance, we are vastly less at the mercy of the seasons than we once were, and communities now have several lines of communication open where formerly they were dependent upon one. Nevertheless, for obvious reasons of cheapness and of facility, water transport sustains its ascendancy. It may carry somewhat less proportionately than in old times; but, unless we succeed in exploiting the air, water remains, and always must remain, the great medium of transportation. The open sea is a road which needs neither building nor repairs. Compared with its boundless expanse, two lines



of rails afford small accommodation — a circumstance which narrowly limits their capacity for freight.

In a less degree the same advantage inheres in natural watercourses. For construction and maintenance, streams like the Thames, the Rhine, the Hudson, and even the Mississippi with its levees, do not approach in cost the easiest of land routes; while for facility of traffic in large quantities no four-track railroad approaches them. In them Nature has laid the road on the generous scale which she has granted to water, and maintains it largely by her own action. For such permanent reasons, coasting trade, national or international, continues between points which have unbroken land communication, even in competition with highly developed railroad systems. The tonnage annually freighted on the Great Lakes of North America exceeds six millions; yet all points on those lakes can communicate with each other by land. Waiving, therefore, the cases of continents, between which there is no land communication, as Europe and America, and of islands like Great Britain, Japan, Australia, it is plain that water transportation must continue to fill a very large place in that circulation of merchandise

which we call commerce. This means that it must remain, as it now is, a factor in a system, a great and important wheel in a complicated machinery of interchange. If this is so, impairment of it must materially derange the whole, to the detriment of the nation.

We need not go very far to seek contemporary illustration of the influence of diminished transportation. The American difficulty of moving the crops offers a precise analogy to the effect of stopping ocean traffic. At present that recurrent embarrassment is not merely a question of finance, of ampler currency. It is due also to insufficient railroad lines and rolling stock — that is, to transportation deficiencies. It matters not whether such deficiency is, as we say, original, or that it results from impairment, such as the depredation of an enemy. The point is the insufficiency, not the cause of such insufficiency; in fact, it may profitably be noted that in the immediate instance the embarrassment exists in the face of conditions, the gradual growth of which permitted foresight and provision to meet them. How manifold more injurious and disturbing if the cause were a sudden dislocation of the transportation system by war, throwing a new and unexpected burden upon

roads presumably no more than adequate to a usual maximum of traffic! The very scale upon which commerce is now conducted, the facilities, conveniences, luxuries, which it has introduced into ordinary households, while swelling its volume, have made greater and more far-reaching the effects of any obstruction. The stoppage of a coasting-trade, the closing of a few principal ports of entry, would so congest the trunk lines of a national system that the influence would be felt instantly in every shop and household, and speedily in the national treasury. People also are now more luxurious, less hardened to bear, impatient over privations which their predecessors would hardly notice. The phrase "artificial wants" is no vain expression.

For an example, consider France, a country exceptionally fortunate in maritime and landwise position. She has three coast-lines, of which the longest is upon the great ocean itself. There no narrow passage, as the Channel, nor short seaboard, as in the Mediterranean, embarrasses her access to the outer world. She has, besides, several land frontiers — Belgium, Germany, Switzerland, Italy — by any one of which she may receive supplies. These relatively numerous points

of contact with the outside world — pre-eminent among them being Belgium and the Bay of Biscay — make the situation of France unusually favorable, when compared with most countries having Continental boundaries. All cannot be conceived shut at the same time, and the guaranteed neutrality of Belgium presents an alternative nearly absolutely secure. Nevertheless, as a mere question of transportation, if we suppose only Havre, Nantes, and Bordeaux closed to commerce, there can be little question that the additional burden of local handling, and subsequent railway carriage, thrown upon, say, Antwerp and Marseilles, would sharply test the system of distribution by railroad; and the collection of customs at the land frontier would introduce further impediments. To utilize German ports in addition would involve a greater circuit, every mile of which — as, indeed, of that through Belgium — would add to the expense of the consumer by all the heavier charge and more meagre supply of a lengthened and overweighted land carriage.

Such derangement of an established system of sea transportation is more searching, as well as more easy, when the shipping involved has to pass close by an enemy's shores; and still more if the

ports of possible arrival are few. This is conspicuously the case of Germany and the Baltic States relatively to Great Britain, and would be of Great Britain were Ireland independent and hostile. The striking development of German mercantile tonnage is significant of the growing grandeur, influence, and ambitions of the empire. Its exposure, in case of war with Great Britain, and only in less degree with France, would account, were other reasons wanting, for the importunate demand for naval expansion. Other reasons are not wanting; but in the development of her merchant shipping Germany, to use a threadbare phrase, has given a hostage to Fortune. Except by the measure advocated, and here opposed, of exempting from capture merchant vessels of a belligerent, with their cargoes, as being "private property," Germany is bound over to keep the peace, unless occasion of national safety — vital interests — or honor drive her, or unless she equip a navy adequate to so great a task as protecting fully the carrying trade she has laboriously created. The exposure of this trade is not merely a matter of German interest, nor yet of British. It is of international concern, a circumstance making for peace.

The retort is foreseen : How stands a nation to which the native mercantile shipping, carrying trade, is a distinctly minor interest, and therefore does not largely affect the question of transportation? This being maintained by neutrals, the accretion of national wealth by circulation may go on little impaired by hostilities. The first most obvious reply is that such is a distinctly specialized case in a general problem, and that its occurrence and continuance are dependent upon circumstances which frequently vary. It lacks the elements of permanence, and its present must therefore be regarded with an eye to the past and future. A half-century ago the mercantile marine of the United States was, and for nearly a century before had been, a close second to that of Great Britain ; to-day it is practically non-existent, except for coasting-trade. On the other hand, during the earlier period the thriving Hanse towns were nearly the sole representatives of German shipping, which now, issuing from the same harbors, on a strip of coast still narrow, is pressing rapidly forward under the flag of the empire to take the place vacated by the Americans.

With such a reversal of conditions in two prominent examples, the problem of to-day in any one

case is not that of yesterday, and may very well not be that of to-morrow. From decade to decade experience shifts like a weather-cock; the statesman mounted upon it becomes a Mr. Facing-Bothways. The denial of commercial blockade, the American national expediency of 1800, suggested by such eminent jurists as John Marshall and James Madison, would have been ruinous manacles to the nation of 1861-65. A government weighing its policy with reference to the future, having regard to possible as well as actual conditions, would do well before surrendering existing powers — the bird in the hand — to consider rather the geographical position of the country, its relation to maritime routes — the strategy, so to say, of the general permanent situation — and the military principles upon which maritime capture rests. In that light a more accurate estimate will be made of temporary tactical circumstances, to-day's conditions — such, for instance, as set forth by the present Lord Chancellor of Great Britain.<sup>1</sup> In his letter, favoring immunity from capture for "private property," disproportionate stress is laid upon the dangers of Great Britain, the points which make against

<sup>1</sup> *The Times* of October 14, 1905.

her; a serious tactical error. The argument from exposure is so highly developed, that the possible enemies whose co-operation is needed to secure the desired immunity for "private" property might well regard the request to assist as spreading the net in the sight of the bird; a vanity which needs not a wise man to detect. On the other hand, the offensive advantage of capture to Great Britain, owing to her situation, is, in my judgment, inadequately appreciated.

The writer has fallen into the mistake which our General Sherman characterized as undue imagination concerning what "the man on the other side of the hill" might do; a quaint version of the first Napoleon's warning against "making a picture to yourself." The picture of Great Britain's dangers is overdrawn; that to her enemies — "the full measure of the mischief we could do to a Continental nation" — is underdrawn. It would seem as if, in his apprehension, "the disastrous consequences" which would flow from even slight depredations by commerce destroyers on British shipping" could find no parallel in the results to a Continental trade from British cruisers. France or Germany, for example, shut off from the sea,

<sup>1</sup> Indirect, I presume. — A. T. M.



can be supplied by rail from, say, Antwerp or Rotterdam; but it is apparently inconceivable that, in the contingency of a protracted naval war, the same ports might equally supply Great Britain by neutral ships. Alternate sea routes close, apparently automatically; only alternate land routes stay open. Thus undue weight is laid upon defensive motives, where the offensive requires the greater emphasis. The larger merchant tonnage of Great Britain involves a greater defensive element, yes; but are not defensive conditions favorably modified by her greater navy, and by her situation, with all her western ports open to the Atlantic, from Glasgow to Bristol and round to Southampton? And is not the station for such defence identical with the best for offence by maritime capture? The British vessels there occupy also a superior position for coal renewal; the difficulty of which for an enemy, threatening the Atlantic approaches to Great Britain, seems too largely discounted by imaginations preoccupied with hostile commerce destroyers.

The concluding sentence of Lord Loreburn's letter contains a warning familiar to military thought. "Great Britain will gain much from

a change long and eagerly *desired* by the great majority of other Powers." The wish of a possible enemy is the beacon which suggests the shoal. The truth is, if the British Navy maintains superiority, it is to the interest of her enemies to have immunity from capture for "private property;" if it falls, it is to their interest to be able to capture. The inference is safe that probable enemies, if such there be, and if they entertain the wish asserted, do not expect shortly to destroy the British Navy.

While unconvinced by the reasoning, it is refreshing to recognize in this letter a clear practical enunciation which sweeps away much sentimental rhetoric. "I urge [immunity for private property] not upon any ground of sentiment or humanity (indeed, no operation of war inflicts less suffering than the capturing of unarmed vessels at sea), but upon the ground that on the balance of argument, coolly weighed, the interests of Great Britain will gain much from the change." I more than doubt the conclusion; but its sobriety contrasts pleasantly with the exuberances, "noble and enlightened action," "crown of glory," and the like, with which it pleases certain of our American advocates to enwreath this prosaic utilitarian proposition.

A possibility which affects the general question much more seriously than others so far considered, is that of neutral carriers taking the place of a national shipping exposed to capture under present law. This is one phase of a change which has come over the general conditions of carrying trade since the United States became a nation, and since Great Britain, three-quarters of a century afterwards, formally repealed her Navigation Acts. The discussion preceding this repeal, together with the coincident Free Trade movement, preceded by but a few years the Treaty of Paris in 1856, and gave an impulse which doubtless facilitated the renouncement in that treaty by Great Britain of the right to capture enemy's property under a neutral flag. The concession was in the air, as we say; which proves only that it was contagious, not that it was wise. Like many hasty steps, however, once taken it probably is irreversible.

The effect of this concession has been to legalize, among the several great states signatory to the treaty, the carriage of belligerent property by neutral ships, in which previously it had been liable to seizure. In its later operation, the condemnation of the enemy's property had not in-

volved the neutral carrier further than by the delays necessary to take her into port, adjudicate the question of ownership, and remove the property, if found to be belligerent. Such detention, however, was a strong deterrent, and acted as an impediment to the circulation of belligerent wealth by neutral means. It tended to embarrass and impoverish the belligerent; hence the removal of it is a modification of much importance. Neutral shipping thus is now free to take a part in hostilities, which formerly it could only do at the risk of loss, more or less serious. To carry belligerent property, which under its own flag would be open to seizure, is to aid the belligerent; is to take part in the war.

In considering such an amelioration, if it be so regarded, it is possible to exaggerate its degree. If a nation cherishes its carrying-trade, does a large part of its transportation in its own vessels, and is unable in war to protect them, the benefit of the innovation will be but partial. Its own shipping, driven from the sea, is an important element in the total navigation of the world, and the means to replace it will not be at once at hand. Neutrals have their own commerce to maintain, as well as that of the weaker belligerent. They

would not undertake the whole of the latter, if they could; and, if they would, they will not at once have the means. Steamships driven off the sea, and for the moment lost to navigation, cannot be replaced as rapidly as the old sailing-vessels. Moreover, neutral merchants have to weigh the chances of hostilities being short, and that the banished shipping of the belligerent may return in its might to the seas with the dawn of peace, making their own a drug on the market. In short, while the belligerent profits from a change which gives him free use of neutral ships, whereas he formerly had only a limited use, a considerable embarrassment remains. The effect is identical in principle and operation with that before indicated, as resulting from blockading a few chief harbors. A certain large fraction of transportation is paralyzed, and the work done by it is thrown upon ports and roads which have not the necessary facilities. It is as though a main trunk line of railroad were seized and held. The general system is deranged, prices rise, embarrassment results, and is propagated throughout the business community. This affects the nation by the suffering of thousands of individuals, and by the consequent reduction of revenue.

It would seem, therefore, that even under modern conditions maritime capture — of “ private ” property — is a means of importance to the ends of war; that it acts directly upon the individual citizens and upon the financial power of the belligerent, the effect being intensified by indirect influence upon the fears of the sensitive business world. These political and financial consequences bring the practice into exact line with military principle; for, being directed against the resources of the enemy, by interrupting his communications with the outer world, it becomes strictly analogous to operations against the communications of an army with its base — one of the chief objects of strategy. Upon the maintenance of communications the life of an army depends, upon the maintenance of commerce the vitality of a state. Money, credit, is the life of war. Lessen it, and vigor flags; destroy it, and resistance dies. Accepting these conclusions, each state has to weigh the probable bearing upon its own fortunes of the continuance or discontinuance of the practice. From the military point of view the question is not merely, nor chiefly, “ What shall our people escape by the abandonment of this time-sanctioned method? ” but, “ What power to overcome the

enemy shall we thereby surrender?" It is a question of balance, between offence and defence. As Jefferson said, when threatened with a failure of negotiations, "We shall have to begin the irrational process of trying which can do the other most harm." As a summary of war, the sentence is a caricature; but it incidentally embodies Farragut's aphorism, "The best defence is a rapid fire from our own guns." For the success of war, offence is better than defence; and in contemplating this or any other military measure, let there be dismissed at once, as preposterous, the hope that war can be carried on without some one or something being hurt; that the accounts should show credit only and no debit.

For the community of states a broader view should be taken, from the standpoint that whatever tends to make war more effective tends to shorten it and to prevent it. Neutrals have always been inconvenienced by war, but in the intricate network of modern commerce the injury is more widespread. It is more than ever desirable to prevent an outbreak; and should one occur it would be sound policy for neutrals coldly to refuse to aid either party.

In past days, while reading pretty extensively

the arguments *pro* and *con* as to the rights and duties of neutrals in war, it has been impressed upon me that the much-abused Rule of 1756 stood for a principle which was not only strictly just, but wisely expedient. The gist of the Rule was that the intervention of a neutral for the commercial benefit of a belligerent was as inconsistent with neutrality as it would be to help him with arms or men. The neutral was not to suffer; what he did habitually in peace was open to him in war — except the carriage of contraband and of cargoes hostile in ownership; but what was closed to him in peace it was contrary to neutrality to undertake in war for the belligerent's easement. If the states represented at The Hague would adopt a code of neutrality forbidding any enlargement of a neutral tonnage, in the carriage for a belligerent, over that practised in peace; if they should agree concerning blockade-running that not only are ship and cargo open to condemnation, but the crew to imprisonment, as engaged in belligerent service; if they would forbid the extension of loans by neutral capitalists to governments actually at war; if, even, they would re-establish the rule that an enemy's property in a neutral ship is lawful prize; they would do a much



better stroke for the world's peace than by granting immunity to the commerce of a belligerent, which is the proposition before us. ' So far from an amelioration, this is an incentive to war by removing one of its evils, and that an evil which strikes the whole belligerent community, not merely the navies and armies in the field. Removal, therefore, is contrary to sound policy, and to an acknowledged experience that the more deadly and extensive in operation the instruments of war the less frequent and the shorter the appeal to arms. The capture of an enemy's property at sea, when in process of commercial exchange, is a weapon of offensive war. The effects are unusually searching and extensive, because distributed over the whole belligerent community; yet they are also among the most humane, because they act by loss of property while entailing little bloodshed.

THE END.



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